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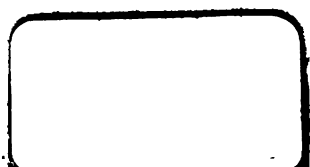
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STAFF

MANUAL
OF THE
REGISTRATION
AND
ELECTION LAWS
OF THE
STATE OF DELAWARE
FOR THE CITY OF WILMINGTON.

PUBLISHED BY AUTHORITY OF CHAPTER 370, VOLUME 19, LAWS OF DELAWARE.

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ASTOR, LENOX AND
TILDEN FOUNDATIONS.
1908

JOINT RESOLUTION IN RELATION TO PRINTING AND DISTRIBUTING OF THE REGISTRATION AND BALLOT LAWS OF THE STATE OF DELAWARE.

Whereas radical changes have been made at our present session in the laws relating to general and special elections in this State, which changes it is of the highest importance that our people should fully understand at an early date; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That for the purpose of affording to our voters the means of fully acquiring the information upon the subject which it is essential for them to obtain, the Secretary of State be and he is hereby directed to collate and have published in pamphlet form, at as early date as possible, an act entitled "An act to provide for the secrecy and purity of the ballot," and an act entitled "An act to provide for the registration of voters," and such other laws as relate to the general and special elections of the State. He shall have published of said pamphlets five hundred copies for Sussex, Kent and the County of New Castle outside of the city of Wilmington.

He shall also have published, for distribution among the voters of the city of Wilmington, five hundred copies of a pamphlet containing all the laws in the other pamphlet and together with them an act entitled "An act to provide for the registration of voters in the city of Wilmington," and all other laws relating to the subject of general, special and municipal elections in the city of Wilmington.

He shall publish in said pamphlet a preface containing full instructions as to the operation and requirements of said laws, and he shall also publish therein a full and complete index to the contents of each.

He shall also have published an equal number of said [pamphlets] which he shall retain in his possession and at the proper time distribute among the election officers and the voters in the counties of Sussex, Kent, the county of New Castle outside of the city of Wilmington, and in the city of Wilmington, for use by them on election day.

Adopted at Dover, May 15 1891.

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PREFACE.

This pamphlet, prepared in accordance with the preceding joint resolution, contains, besides the new State Registration and Ballot Laws, all the provisions of the antecedent statute law in relation to general and special elections of the State, and municipal elections in the city of Wilmington.

Our new Registration and Ballot laws are based upon systems already in operation in other States of the Union, and found, wherever tried, to promote the purity of elections, and to tend to secure an honest expression of the popular will.

The registration of voters, now practiced in the greater part of the Union, has, for more than fifty years, been required in some of our sister States as a check upon fraudulent voting and a means of furnishing the honest voter with ample facilities for proving that he possesses the right to vote, whilst the essential features of the new ballot law, although of more recent origin, have been adopted in all but fourteen States of the Union as the best election machinery so far invented for the purpose of carrying out the original American idea of a secret vote—the best protection to the needy and dependent in the free exercise of their suffrage.

These laws describe in minute detail everything to be done under them by the officers charged with the duty of executing them, and everything to be done by the voter; but although these things are simple and easily understood, when in operation, yet their description must of necessity be long and tedious.

The object of this preface is merely to give briefly the main outlines of the system provided for by these acts, and condensed instructions as to their operation and requirements.

STATE REGISTRATION LAW.

The State Registration Law applies to every election district in the State, outside the City of Wilmington.

In each election district, an officer of registration, called a Registrar—to be appointed by the Governor, at least six months before every general election; for the term of two years—sits on the first four Saturdays of the September next preceding every general election for the purpose of registering all the voters of his election district who PERSONALLY apply to be registered. His hours of sitting are from 8 a. m. until 6 p. m., with an intermission from 12 to 1, and he sits at such places in the district as may be most convenient to the voters, ample notice being given of times and places. After the last of these sittings the Registrar publishes, by posting in at least ten of the most public places in his election district, alphabetical lists of the persons whose names he has entered in the Voting Books, either as fully qualified to vote at the next general election, or entitled to become fully qualified on or before the day of such election by paying a tax, becoming naturalized, etc. A Board of Registration then sits in each election district, at the voting place of the district, on the three Saturdays immediately preceding the Saturday next before the election (during the same hours) for the purpose of registering applicants in the same manner as the Registrar and also to entertain appeals from his decisions and correct any errors he may have made.

The Board of Registration is composed of the Registrar above mentioned, the Inspector of Elections for the District, and that one of the Judges of Election who shall not belong to the same political party as the Registrar.

The alphabetical lists, or Voting Books, completed and corrected by the Board, of the persons registered as fully qualified to vote, or entitled to become fully qualified by payment of tax or otherwise on or before the next general election, are, together with the registers, delivered to the Sheriff of each county by the several Registrars in

his county, and by the Sheriff delivered to the several Inspectors of Election by the Saturday immediately preceding the election. These lists will be used at the polls by the judges of each election district as the indispensable evidence of the right to vote, and no person will be entitled to vote, or to offer any evidence to show that he possesses the right to vote, whose name does not appear on one or other of these lists.

Any one registered, either as a qualified or partially qualified voter, may, at the time of registering, demand a certificate to that effect from the Registrar, and any one who removes into another county after registration may have his name stricken from the list where he has registered and obtain a certified transcript of the entries opposite his name on the register. Upon this transcript he may be registered in the election district of the county to which he may have removed, provided that by the next following election he will have acquired in the county to which he has removed the one month's residence required by the Constitution.

If any person removes, after being registered, to another election district within the same county, he must vote in the election district in which he was registered and not in the district to which he has removed—removal from one district to another district in the county not being a disqualification to vote where registered.

Any person whose name appears on either of the lists of voters (unless it appears that he was registered at the last sitting of the board) can only be challenged on the ground of not being the person whose name so appears, or as having become disqualified to vote since he was registered, or, if registered as a partially qualified voter, on the ground that he has not completed his qualification by payment of tax or otherwise. There being no opportunity for the scrutiny and review of the entries made on the last day of registration, any person registered on that day may have his right to vote challenged on the ground of being improperly registered.

Before any special election, the board sits on the two Saturdays immediately preceding the Saturday next before the election, to register those who may have become qualified to register since the last registration.

The Registrars and Boards of Registration will be furnished with books, which the Governor will cause to be prepared at the expense of the State, so ruled and headed as to leave no room for doubt or mistake as to the questions to be asked, the entries to be made, or the mode of making them. And all such details are so plainly set forth in the law itself, which is a part of this pamphlet, that a description here would only be repetition.

In like manner, the provision made for vacancies in the office of Registrar, for the appointment of Alternate Registrars, and for insuring the existence of a Board of Registration, together with the notices required to be given by the Registrar, and the guards and checks and penalties provided to prevent fraud or unfairness, may be best learned from an examination of the act itself, with the aid of the full index made to facilitate such examination.

The qualifications of an elector, prescribed by the Constitution, are set forth in the Registration Law as the sole qualifications of an elector, and any one who possesses these qualifications at the time of registration, or who shows that he may possess them on or before the next general election, may have his name entered in the Voting Books upon personal application, either to the Registrar when sitting alone, or to the Board of Registration, that is: the applicant for registration must possess all the qualifications following, to wit:

1. *Citizenship.* He must be a citizen of the United States, or, if not native born, and not naturalized at the time of applying to be registered, he may still be registered in the Voting Book of partially qualified voters if he shows that he will have the right to take out naturalization papers before the next general election and so fulfill the requirement of citizenship.

2. *Residence.* He must be a resident of the election district at the time of his application, and must have resided in the State one year next before the date of his application less the time to elapse from the date of his application to the following general election, and in the county one month less the time to elapse from the date of application to such election.

3. *Tax.* If of the age of twenty-two years and upwards, he must, within two years next before the following general election,

have paid a county tax which shall have been assessed at least six months before such election; or, if he shall not have paid such a tax, he may still be registered in the list of partially qualified voters if he shows that he has been duly assessed and will have the right to fulfill the requirement of tax payment by paying it on or before the day of the next general election.

If any applicant for registration shows that on the day of the next general election he will be of the age of twenty-one years, and under the age of twenty-two years, he will be registered, although not assessed.

No person disqualified from voting by reason of being an idiot, or insane person, pauper, or person convicted of a crime deemed by law felony, will be registered.

The name of every applicant for registration will be entered on the Registers, but only those possessing the above qualifications will have their names entered on the Voting Books, either as qualified or partially qualified voters, and only the names of those who appear in person before the Registrar or Board of Registration will be entered in the Registers or Voting Books.

BALLOT LAW.

The Ballot Law provides for the appointment by the Governor of three Commissioners for each of the counties in the State, one of whom in each county shall be a member of a political party opposite to the one of which the other two are members, who shall divide such election districts in their respective counties (outside the city of Wilmington) as contain in their judgment a greater number of voters than can conveniently vote at the next general election into two or more election districts, delimiting and naming the new districts, designating the place of holding the election in them, and securing a room for holding the same.

The Inspector of each hundred or election district so divided shall be the inspector of the new district in which he resides at the time of the division, and the Commissioners shall appoint for the other newly established district or districts an inspector, or inspectors, from the party to which the other inspector belongs.

These duties shall be performed and certified to by the first day of March, 1892.

The only ballots received at the polls and counted will be the official ballots, which the Clerks of the Peace for the several counties will cause to be printed of uniform size and of the same quality and color of paper—each ballot to contain the names of the candidates nominated by all the political parties, arranged side by side in parallel vertical columns, each column of candidates being headed by the title of the party nominating them and some device to be selected by such party—the candidates of the Democratic party to be in the first column to the left, those of the Republican party in the next column, and of any other parties in such order as the Clerk of the Peace shall decide.

The lists of candidates are to be certified to the several Clerks of the Peace by the presiding officers and secretaries of the State or county conventions, as the case may be, of the several parties, together with the device selected by the party.

These certificates of nomination are to be filed with the Clerks of the Peace at least twenty days before the election at which they are to be voted for, and at least ten days before such election the Clerks of the Peace shall cause such nominations to be published in the form they will appear on the ballot in at least two county newspapers.

A political party is defined for the purposes of the act, and minute provisions made in relation to the device, to the publication of the lists of nominees, and for such contingencies as the death, removal or resignation of any or all of the candidates either before or after the printing of the ballots, and for the existence of contending factions in a party—each contending for the same party name or device, all of which may be best examined in the act itself, which is contained in this pamphlet and fully indexed.

Each Inspector, outside the city of Wilmington, is required to appear at the office of the Clerk of the Peace of his county on the day preceding the election, before 3 o'clock, and the ballots for the several election districts are then delivered to the Inspectors by the Clerks of the Peace in sealed packages, together with the voting

stamps—the sealed packages to be opened by the Inspectors at the opening of the election, after the qualification of the other election officers—the printing, custody and distribution of the ballots being so regulated as to insure that each election district shall have a sufficient number of ballots, and that no ballots shall be in existence except those in the hands of the election officers; provision being also made for the delivery of the ballots in the event of an Inspector failing to appear before the Clerk of the Peace, and for the holding of the election in case of loss or destruction of the ballots.

The arrangement of the polling places under the new system is shown in the diagram following this preface, which shows the most convenient method for an ordinary country schoolhouse, or other small building.

The passage way, with a “railing, rope, or wire” on either side, extends 30 feet away from the challenge window. The direction is not material, but as all persons except election officers and challengers are required to keep 30 feet away from the polls, when not voting, it will be best to have it run directly out from the building when this can be done conveniently. The place occupied by the Election Board must be separated from the remainder of the room by a railing, which must include the entrance. The booths in which ballots are marked shall not be less than three in number, and at least one for every 150 voters or fractional part thereof in the hundred or election district. The booths shall be at least three feet square and six feet high, if the ceiling will admit it. They shall each contain a shelf properly constructed, and provided with pen and ink. The booths may be placed in a row or separated. Their location in the room is immaterial, but they must be so placed that “all the members of the Election Board can see whether more than one voter enters, *i. e.*, the entrances of the booths must be placed towards the Election Board. With the exception of the usual table and chairs for the board, no other furniture is needed.

The Inspectors, outside the city of Wilmington, will procure the room in all districts except those established by the Commissioners to be appointed for that purpose. In the new districts the said Commissioners designate the place of holding the election and secure the room. There should be an exit other than the door of entrance when possible.

One Challenger, appointed and designated by each political party, shall be entitled to stand at the side of the passage and near the entrance to the room. No other person shall remain within thirty feet of the entrance, except for the purpose of voting.

Two Voters' Assistants, to be selected by the Inspector and Judges before opening the election, one from each of the two principal parties, who shall be duly sworn not to divulge how any voter marked his ballot, and not to coerce or in any way influence any voter, remain in the room to assist in marking the ballots of those voters requiring assistance by reason of blindness, illiteracy, or incapacity, who request their assistance.

The method of marking the ballots, as well as certain details of procedure, are minutely described in the following sections of the act:

SECTION 19. When a voter shall have been passed by the challengers he shall be admitted to the election room. *Provided, however,* that there shall not be in the room at any one time more than one voter for each booth therein. On entering the room the voter shall announce his name to the clerks of the election, who shall register it. The clerk holding the ballots shall deliver to him one ballot and the other clerk shall deliver to him a stamp, and both the voters' assistants, on request, shall give explanation of the manner of voting; if deemed necessary, by unanimous consent of the election officers, an interpreter may be called. The voter shall then, and without leaving the room, go alone into any of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by stamping the square immediately preceding their names: *Provided, however,* that if he shall desire to vote for all candidates of one party and none other, he may place the stamp on the square preceding the title under which the candidates of such party are printed, and the vote shall then be counted for all the candidates under that title, unless the names of one or more candidates under another title shall also be stamped, in which case the names of the candidates so stamped shall be counted. Any voter, while in the booth, may erase the name of any candidate and substitute the name of any person in any column of the ballot which shall stand in lieu of the original name. Such alterations and changes in the printed

ballot shall be made by pen and ink only. Before leaving the booth, or compartment, the voter shall fold his ballot so that no part of the face thereof shall be exposed and so that the initials of the clerks of the election shall be exposed, and on leaving the booth or compartment shall return the stamp to the clerk of the election and deliver the ballot to the inspector, or to the judge who may temporarily be authorized to act for the inspector, who shall forthwith, in the presence of the voter and of the other election officers, deposit the same in the ballot box; and the clerks of the election shall write the word "voted" after the name of the voter on the poll list: *Provided, however*, that if any elector shall show his ballot, or any part thereof, to any other person after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. The voter shall immediately after voting leave the room, and upon his refusal to do so may be ejected therefrom, but no voter to whom a ballot and stamp, or either, have been delivered shall be permitted to leave the room without voting the ballot or returning it to the clerk of the election, or without returning the stamp to the clerk of the election from whom he received it. Any voter who shall attempt to leave the room with the ballot or stamp in his possession shall be at once arrested on demand of an election officer.

SECTION 20. Not more than one person shall be permitted to occupy any booth at one time; and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than three minutes. No more than one person for each booth in the room other than the election officers shall be permitted to enter or be in the election room at any one time, and no voter or person offering to vote shall hold any conversation or communicate with any other person than an election officer while in the election room.

SECTION 21. Any person who shall, by accident or mistake, spoil, deface, or mutilate his ballot may, on returning the same to the clerks of the election and satisfying them that such spoiling, defacing or mutilation was not intentional, receive another in place thereof, and such clerk shall make a minute of the facts on the poll

lists at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the election officers.

The penal sections of the act are ten in number. They impose appropriate penalties for violation of its provisions and for the commission of acts described in them, which tend to defeat the purposes for which it was enacted.

The Clerks of the Peace are required to prepare cards containing full instructions to the voters, and the inspectors to put the same in the booths and outside the polling places.

WILMINGTON REGISTRATION LAW.

The Wilmington Registration Law provides for the appointment by the Governor, on or before the 10th day of August, 1891, of "three persons of the city of Wilmington" to constitute a Department of Elections, all of whom must be citizens of the United States and of the State of Delaware, qualified voters of and resident in the city of Wilmington, for the term of five years next preceding their appointment.

The persons so appointed are to serve for the terms of two, four and six years respectively, and to determine their terms by lot at the first meeting of the board, and certify the result to the Clerk of the Peace of New Castle county. Subsequent appointments, except for an unexpired term, to be made by the Governor for the term of six years, the same qualifications being always requisite, and the members of the board at no time to be all of the same political faith and opinion. Within one month after their appointment, every member of the board must take and file with the Clerk of the Peace an oath of office, and then meet and organize said Department of Elections by selecting one of their number to be president for the term of two years.

On or before the first day of September next preceding the time of the first registration under the act, and in every sixth year thereafter, on or before the first day of September, it is made the duty of the Department of Elections to divide the city into as many election districts as they shall deem necessary, provided that each district shall contain, as near as may be, no more than three hundred nor less than one hundred qualified voters, and shall be entirely within the boundaries of one ward. Thereafter the Department of Elections may biennially divide such districts as by the preceding registration shall be found to contain more than three hundred voters.

In the month of August, in each general election year, it is made their duty to appoint three inspectors of election for each election district, for the term of two years, who are also the officers of registration. These inspectors must be citizens of the United States and of the State of Delaware, of good character, able to read, write and speak the English language understandingly, qualified voters in the city, and not candidates for any office to be voted for by the electors of the district, and two of them shall be of different political faith and opinion from their associate. They are required, under a penalty of two hundred dollars, to qualify and serve, and, upon notice, may be dismissed, for cause, and the vacancies filled. On election day any inspector may be summarily displaced for misconduct and his place filled by the Department of Elections, who appoint and control the clerks of election in like manner. The clerks must be of different political opinion, and the inspectors in each ward divided, as nearly as may be, equally between the different political parties.

In each election district in the city of Wilmington the three inspectors of election for the district sit on Saturday of the fourth week, on Saturday of the third week, and on Friday and Saturday of the second week next preceding the day of each general election, for the purpose of registering all the voters of the district who *personally* apply to be registered. They remain in session on each of said days "from between the hours of eleven and twelve o'clock in the forenoon and seven o'clock in the afternoon," and they sit at the place prepared for them by the Department of Elections, which place shall be designated and appointed by the Department not less than two weeks previous to the first day of registration, and advertised by posters or handbills containing particulars concerning the ensuing election, fully set forth in the act forming a part of this pamphlet.

The inspectors of election will be furnished with books, to be known as registers, which the Department of Elections will cause to be prepared, so ruled and headed as to leave no room for doubt or mistake in regard to the questions to be asked of applicants for registration, the entries to be made, and the mode of making them; and all such details are so plainly and fully set forth in the law itself, which is a part of this pamphlet, that a description here would be only a repetition.

It is also made the duty of the Department of Elections to prepare and furnish to the inspectors all the books, maps, forms, oaths, certificates, blanks and instructions necessary to enable them to fulfill their duties in accordance with the provisions of the act, which are minute and full in every particular, and may be best learned by an examination of the act itself, with the aid of the full index annexed to this pamphlet to facilitate such examination. The inspectors shall, immediately upon entering the name of an applicant upon the registers, require him to present his proper tax receipt, and shall stamp the same with the word "registered," the number of the district, and also the day and year of registration, in letters and figures.

It shall also be their duty, at the close of each day of registration, to compare their several registers and append to each a certificate to the entries of the day; which certificates shall also state the number of names entered that day as qualified voters, and also the number of names entered as those who might become qualified to vote before the close of the polls at the next election.

As an additional safeguard, a copy of the entries is required to be made, at the end of each day of registration, in a fourth book, and hung up for public inspection at the place of registration. A comparison, review and correction of the registers by the Department of Elections, after the last day of registration, is provided for, and ample opportunity given for challenge and rehearing on any day of registration, and even on the day of election.

The inspectors of election will have the registers with them at the polling places on the day of election, and there use them as the indispensable evidence of the right to vote, no person being entitled to vote, or to offer any evidence to show that he possesses the right to vote, whose name is not found upon at least two of such registers as a qualified voter, or as one who may become qualified, and who, at the time of offering to vote, has perfected his qualifications as an elector under the constitution and laws of this State. *Provided, however,* that any person marked disqualified can have an opportunity for a rehearing of his case. Any one registered may be challenged and his right to vote questioned, and any name appearing on the registers may be marked for challenge, upon the demand of any qualified voter in the city, made on any day of registration or election.

If any one removes, after being registered, to another residence within the same election district, he must take and subscribe an oath of removal before one of the inspectors of the district in which he was registered, who will thereupon make a note of his change of residence upon the registers, and, if deemed necessary, cause the fact to be investigated. If any one removes after registration into another election district within the city, he must obtain a certificate of removal, with a transcript of the entries made concerning him upon the registers. The qualifications for registration under the Wilmington Registration Law are the same as already set forth in this pamphlet as the qualifications for registration under the State Registration Law (see page 8 of pamphlet), and the penalties prescribed for infractions of the law are simple and plain, and may be best learned by an examination of the act itself.

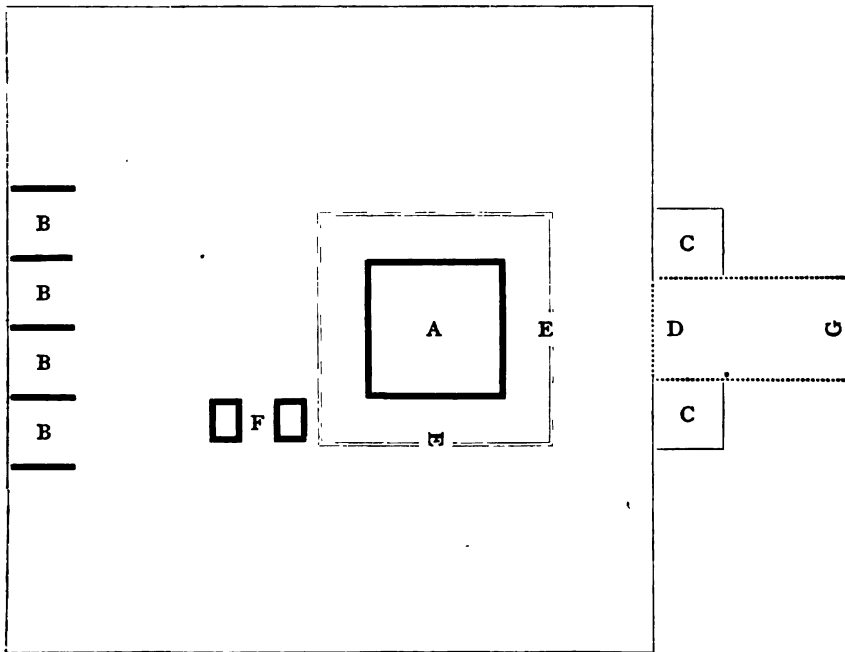
For each and every election other than the general election, except municipal elections and elections for members of the Board of Education, a revision of the general registration is provided for on the second Saturday next preceding the day of each and every such election.

BALLOT LAW IN THE CITY OF WILMINGTON.

The provisions of the Ballot Law are the same in the city of Wilmington as in election districts outside the city of Wilmington, except that the Department of Elections directly, or through its appointees, performs the duties and exercises the powers performed and exercised by other officers in the election districts outside the city of Wilmington.

THE POLLING PLACE.

The arrangement of the the polling place, under the new system of voting, is seen in the following diagram, which shows the most convenient method of arrangement for an ordinary polling place :



- A—Table for election officers.
- B B B B—Booths where ballots are prepared by voters.
- C C—Position of challengers.
- D—Door of entrance.
- E E—Railing separating the election board from voters.
- F—Position assigned to voters' assistants.
- G—Passage-way to entrance.

The passage-way is a space "at least four feet wide," "with a railing, rope, or wire, on each side, commencing at least thirty feet away from and leading to the entrance to such place of election, and passing the place assigned for the challengers," marked in foregoing diagram as "C C," and thence to the entrance to the room. The direction is not material, but as all persons, except election officers and challengers, are required to keep thirty feet away from the polls when not voting, it will be best to have it extend directly out from the building.

The door, or entrance, must be "of easy or convenient access," and at the end of the "passage-way," as designated "D" in the diagram.

"The Inspector shall provide for the room a railing therein, separating the part of the room to be occupied by the election officers from the remainder of the room," as designated by "E E" in the diagram.

"The table shall occupy such a position in said room as to enable the election officers and challengers to easily communicate with each other," and the most convenient way to attain this will be to have the table for the election officers directly in front of the door of entrance, as designated by "A" in the diagram, and the challengers on either side of the "passage-way" outside, as designated by "C C" in the diagram, where they can see and communicate with the election officers, and have the voter pass between them.

The booths in which the voter prepares his ballot shall not be less than three in number, and shall be "one booth for every one hundred and fifty voters, or fractional part thereof, in each hundred or election district." "They shall be at least three feet square and six feet high, if the ceiling will admit it." They may be with or without doors, all that is necessary being that the voter may mark or prepare his ballot screened from observation. The sides and back of the booths should be made solid and without cracks or openings.

A shelf should be constructed across the back of the booth, about three and a-half feet from the floor, and should be about one and one-half feet wide, and the booth must be provided with pen and ink. The booths may be placed in a row or separated, but must be

"so arranged that all the election officers in the room can see whether more than one voter enters any one of them at any one time," *i. e.*, the entrance of the booths must be placed towards the election officers.

There may be, "if practicable, a separate means of exit."

With the exception of the usual table and chairs for the election officers, no other furniture is needed.

HOW TO VOTE.

When an elector is ready to vote, he should enter the passageway, announce his name to the election board, if challenged establish his right to vote, and enter the door of the election room; when admitted, procure from one of the clerks a ticket that has the initials of the clerks written on the left-hand corner of the back, and a stamp from the other clerk. He should then go alone into a booth and mark his ballot with the stamp. If he wishes to vote a straight ticket he marks with the stamp in the square opposite the title of the party with which he votes. If he desires to vote a mixed ticket, or to omit entirely one or more offices, he should stamp the square in front of the name of each* candidate for whom he desires to vote, and should stamp but once on any square. If he desires to vote for any person whose name does not appear on the ticket, he can substitute the name by writing it *in ink* in the proper place on the ticket. If he does not understand how to mark his ballot, he should ask the voters' assistants to instruct him.

If any elector declares that by reason of physical disability or inability either to read or write, or both, he is unable to mark or alter his ballot, he may call to his assistance the voters' assistants, who, in the presence of the elector, and in the presence of each other, shall prepare the ballot for voting, and, on request, shall read over to such elector the names of the candidates as marked or written.

*Where there are two or more candidates for the same office on the same ticket, as in case of candidates for State Senators, or members of the House of Representatives, and the title of one ticket, and the names of one or more, but less than all, of such candidates on another ticket are stamped, the intention of the voter can not be determined, and the part of the ballot affected thereby will not be counted. To avoid mistakes, the voter, if he desires to vote a mixed ticket, should stamp the square in front of the name of each candidate for whom he desires to vote.

If, by accident, an elector tears, mutilates, defaces or spoils a ballot, he should go at once to the clerk, return the same, explain how the accident occurred, and ask for another ballot.

Before leaving the booth he should fold his ballot so that the initials of the clerks, on the back, will show, but so that no part of the face of the ballot can be seen. When he has marked and folded his ballot, he should leave the booth, deliver the stamp to the clerk from whom he received it, and hand the folded ballot to the Inspector, who will put it in the ballot box in his presence.

He should then leave the room and remain thirty feet away from the polls.

DUTIES OF OFFICERS.

NOTE.—The paragraphs marked (*S*) appertain to elections in the State, outside the city of Wilmington. Those marked (*W. Hd.*) to elections in Wilmington Hundred only. Those marked (*G*) to elections throughout the State, Wilmington included.

GOVERNOR.

- Commissioners.** To appoint three commissioners for each of the counties of the State to divide election districts (outside the city of Wilmington), where they may deem necessary, and establish the boundaries thereof. (p. 13.—*S*.)
- Appointment of Registrars and Alternate Registrars, etc.** To appoint a registrar and alternate registrar for each hundred or election district (outside the city of Wilmington), at least six months before each general election, and to fill all vacancies occurring in said offices. (pp. 18-19.—*S*.)
- Registration books.** To cause books to be prepared for the use of the registrars, and to cause the same to be delivered to the Sheriffs in each of the counties on or before the first Tuesday in August in the year of holding the general election. (pp. 21-23.—*S*.)
- Proclamation.** To make known, by proclamation, in October next preceding every election of President and Vice President, the number of electors to be chosen and the day of election. (p. 111.—*G*.)
- Certificates of election.** To examine certificates of election for electors of President and Vice President, and ascertain the electors chosen and give notice thereof. (p. 82.—*G*.)
- Convening General Assembly.** To convene the General Assembly in case of failure to elect electors for President and Vice President. (p. 112.—*G*.)
- Returns.** To examine returns of election for Representative in Congress, declare the person elected, and issue certificates of election under his hand and the Great Seal of the State, one of which he shall transmit to the office of the Secretary of State of the

United States, and one to the person elected; also to publish the result, by proclamation, in one or more public newspapers of the State. (p. 114.—*G.*)

Commissions. To commission person decided by the court to be legally elected, in case of contest of election, other than members of the General Assembly and Governor. (p. 120.—*G.*)

Vacancy. To issue writs of election to fill vacancy in office of Representative in Congress. (p. 114.—*G.*)

Writs of election To issue writs of election to fill vacancies in General Assembly. (pp. 108–109.—*G.*)

Vacancies. To fill vacancies in Levy Court Commissioners, and to appoint a suitable person in case of a vacancy caused by a failure to elect. (p. 125.—*S.*)

Appointment of Department of Elections. To appoint three persons of the city of Wilmington, on or before the tenth day of August, 1891, who shall constitute a Department of Elections of said city, and to fill all vacancies therein. (pp. 45, 46.—*W. hd.*)

Appointment of Special Constables. To appoint special constables within the city of Wilmington whenever a general election is held, upon the application, in writing, of at least fifty citizens residing in the city of Wilmington. (p. 138.—*W. hd.*)

CLERKS OF THE PEACE.

Alphabetical list. To make and certify an alphabetical list of the names of all the male citizens of the age of twenty-one years and upward, residing and assessed in each hundred or election district, and deliver the same to the Sheriff of the county, on some day in the month of August next preceding the general election. (p. 96.—*S.*)

Certificate of party. To demand a certificate of twenty-five voters of any organization desiring to be regarded as a political party in any county, if he has any doubt as to the sufficiency of the number of bona fide voters representing such organization. (p. 3.—*G.*)

Contested party titles, device, &c. To decide and determine, in case of a claim by two or more factions to the same party name or title, figure or device, to which faction the same belongs. (p. 4.—*G.*)

- Certificates of nomination.** To cause to be preserved for six months all certificates of nomination filed in his office. (p. 4.—*G.*)
- Publication of nominations.** To cause to be published, in at least two newspapers within his county, representing the two principal political parties, the nominations certified to him. (p. 5.—*G.*)
- Ballots.** To print ballots. (pp. 3, 5-7.—*G.*)
- Stamp, ink pads, &c.** To provide stamps, together with ink-pads or the necessary apparatus. (p. 7.—*G.*)
- Pasters.** To furnish pasters in case of the death, removal or resignation of any candidate after the printing of ballots and before the election. (p. 6.—*G.*)
- Instruction cards** To cause to be printed in large type, on cards, in English and such other languages as may be deemed necessary, instructions for the guidance of electors in preparing their ballots, and to furnish twelve of such cards to each of the election inspectors at the time of delivering the ballots for his hundred or election district. (p. 9.—*G.*)
- Ballots, stamps, &c.** To deliver the packages of ballots, with stamps, &c., to the inspector or inspectors of the several hundreds or election districts; or in case there shall be a vacancy in the office of any inspector, or failure of any inspector to apply at the proper time, to select some trusty person to deliver the package to the inspector at the place of the election on the day of the election. (p. 7.—*G.*)
- New supply of ballots.** To furnish a new supply of ballots, in case of loss or destruction of ballots previously delivered. (p. 8.—*G.*)
- Unused ballots.** To preserve the ballots left in his hands, after supplying the hundreds and election districts, until six o'clock p. m. of the day of the election, and then count and destroy by fire all of such ballots but one, which he shall preserve in his office as a record, together with his certificate of the number of ballots counted and destroyed by him. (p. 14.—*G.*)
- Vacancy in office of Inspector.** To notify the Levy Court Commissioner of any hundred in which a vacancy in the office of inspector exists of such vacancy. (p. 92.—*S.*)

SHERIFF.

- Alphabetical list.** To deliver to the registrars of each hundred or election district of his county, outside of the city of Wilmington, some time in

the month of August of the year of holding the general election, the alphabetical list of the names of all the male citizens of the age of twenty-one years and upwards, residing and assessed in his hundred or election district, and at the same time deliver to each of the said registrars the books and stamps required by law. (pp. 23, 96.—S.)

- Ballot boxes.** To make the ballot boxes, and the tally lists and all other papers to be delivered to the several inspectors, conformable to the requirements of law. (pp. 16, 96.—S.)
- Registers and Voting Books.** To deliver the registers, and voting books, and lists, that shall have been delivered to him by the registrar, to the inspector of the hundred or election district of the county to which such register, voting books and lists shall apply, within three days after the same have been delivered to him. (p. 36.—S.)
- Ballot boxes.** To deliver two suitable ballot boxes, &c., to the inspector of each hundred of his county after the 23d, and before the 27th, day of October in the year of holding the general election. (pp. 95-96.—S.)
- Presiding officer.** To attend and preside at the meeting of the Board of Canvass of his county. (pp. 103-104.—G.)
- Certificates of Board of Canvass.** To deliver and lodge the certificates of the result of the election, made by the Board of Canvass, with the proper officers, as presiding officer of said board. (p. 107.—G.)
- Ballot box, ballots, &c.** To preserve ballot boxes containing the ballots, certificate and tally lists, until the last day of February next after the election. (p. 108.—G.)
- Proclamation.** To post on the outside of the Court House door of his county, and also in one of the most public places of each hundred of his county, a proclamation reciting the writ of election issued by the Governor for special election. (p. 109.—G.)
- Notice.** To give written notice of writ of election and of the day of holding election to the inspector in each hundred. (p. 109.—G.)
- Proclamation.** To post proclamation for special election to fill vacancy in the office of Representative in Congress. (p. 114.—G.)

INSPECTORS.

- Judges.** To (with the person who at the last election for inspector next previous received the next highest number of votes for said office) choose respectively the two judges of the election in his hundred or election district on some day in the month of September next preceding the general election, as is required by Section 11 of Chapter 18 of the Revised Code, and to respectively notify, during the said month of September, the said persons of their appointment, in writing, and also, in the said month of September, give notice, in writing, to the registrar of the hundred or election district of the persons so chosen. (pp. 33, 99.—*S.*)
- Room.** To provide a room for holding general or special election in his hundred or election district, outside the city of Wilmington. (p. 1.—*S.*)
- Notice of election.** To give public notice of the time and place of holding the next general election in his hundred or election district, and of the officers to be voted for at such election, by advertisements posted in at least five of the most public places in his hundred, within two days after receiving from the Sheriff a list of officers to be chosen at said general election. (pp. 99, 110.—*G.*)
- Ballots and stamps.** To appear at the office of the Clerk of the Peace of his county on the day preceding the election, before the hour of three o'clock p. m., to receive ballots and stamps for his hundred or election district. (p. 7.—*G.*)
- Delivery of books, &c.** To have the register, voting books and lists that shall have been delivered to him by the Sheriff at the place of election before the opening of the polls on election day. (p. 36.—*S.*)
- Instruction cards** To cause the cards of instruction to be posted. (p. 9.—*G.*)
- Oaths.** To take the prescribed oaths. (pp. 13, '98, 100.—*G.*)
- Reading certain law.** To distinctly read Sections 34 and 35 of "An act to provide for the secrecy and purity of the ballot" to the election officers at the opening of the polls. (p. 16.—*G.*)
- Challengers.** To select challenger or challengers in case of failure of political party or parties to select. (p. 2.—*G.*)
- Opening package of ballots.** To open the package of ballots in the presence of the other election officers in such a manner as to preserve the seals intact. (p. 9.—*G.*)

- Delivery of ballots.** To deliver ballots to the clerk of the election of the opposite political party to his own, and stamps for marking the ballots to the other clerk of the election. (p. 9.—*G.*)
- Proclamation.** To make proclamation that the election is open, between the hours of 8 and 9 o'clock a. m., and one half hour before closing the election to make proclamation that the same will be closed in that time. (pp. 101-102.—*G.*)
- Ballots not to be deposited.** Not to receive or deposit in the ballot box the ballot of any person offering to vote until he has ascertained that the voter has complied with the requirements of the law. (p. 36.—*G.*)
- Illegal ballots.** Not to deposit any ballot upon which the initials of the clerks of the election do not appear, or any ballot on which appears any distinguishing mark, defacement or mutilation. (p. 12.—*G.*)
- Disputed and illegal ballots.** To preserve all disputed ballots and all ballots not conforming to the provisions of the law, and place the same, with the seals, in the box in which the ballots shall have been put when read. (p. 14.—*G.*)
- Board of Canvass.** To meet on the Thursday next succeeding the day of the general election, at 12 o'clock m., at the court house of his county (except in New Castle County, where they shall meet at 10 o'clock a. m.), as a Board of Canvass, and deliver to the Sheriff, or other presiding officer of the board, the certificates of election and the ballot boxes of his hundred. (pp. 103-104, 110.—*G.*)
- Oaths and affirmations.** To deliver into the office of the Clerk of the Peace of his county, on the Thursday next succeeding the day of the general election, the oaths or affirmations that shall have been signed by the inspector and judges of the election in his hundred or election district; the certificates of said oaths or affirmations having been administered; the two lists of the polls to be kept at the election; the alphabetical list certified to by the Clerk of the Peace, and the register and voting books. (pp. 37, 38, 108.—*S.*)
- Notice of special election.** To give notice of special election, on writ of election issued by Governor, to fill vacancy in the office of Representative in Congress. (p. 110.—*G.*)

- Record of Deaths.** To securely attach a "Record of Deaths" to the inside of the register in his custody, to compare the same with the register, and to make certain entries. (p. 49.—*W. hd.*)
- Oath.** To appear before the Department of Elections, within ten days, after the receipt of notice of their selection as inspectors, by it to be examined, and, if found qualified, to take the prescribed oath of office. (pp. 50, 64.—*W. hd.*)
- Duty of.** To be present at their respective polling places at or before the hour of seven o'clock a. m., and there remain until the polls are closed, and their duties at such polling places are at an end. (p. 60.—*W. hd.*)
- Comparisons of registers.** To have with them at the polling place the registers, and to carefully compare, before the hour of election, the corrected register with the other registers and make them agree in all respects with said corrected register. (p. 60.—*W. hd.*)
- Announcement of names of voters.** To announce, in a loud, clear, and distinct manner the name, as given, by any person offering to vote; and not to receive or deposit in the ballot box the ballot of any person so offering to vote, until at least two of said inspectors have examined and found the name and residence of such person and declared the same to be upon at least two of the said registers as a qualified voter, or as one who may become qualified, and who at the time of offering to vote has perfected his qualifications as an elector; to make certain entries in the register when the vote of said applicant is received, and to stamp the tax receipt of the voter. (p. 61.—*W. hd.*)
- Illegal votes.** To note on the register in his possession the name and residence of each and every person whose vote shall, in his opinion, be received in contravention of the provisions of law, and the name of the inspector or inspectors who shall so receive or deposit in the ballot box any such vote. (p. 61.—*W. hd.*)
- Comparison of registers.** To compare the registers as kept by them, immediately on the close of the polls on the day of election, and attach to them a certificate in writing that the same are correctly checked. (p. 61.—*W. hd.*)
- Deposit of registers.** To leave the registers at the office of the Department of Elections within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they serve. (p. 61.—*W. hd.*)

- Care of registers** To not permit the register, which each may have, to leave their possession (except it be the one filed in the Department of Elections), from the time of receiving the custody of the same until they shall file the same as provided by law. (pp. 61-62. — *W. hd.*)
- Oath.** To administer the prescribed oath to any person applying to register, or offering to vote, who may be challenged by any qualified voter in the city. (p. 62.— *W. hd.*)
- Entries.** To write in ink, immediately after the close of the polls on the day of election, before proceeding with the canvass of the ballots in the box, the word "No" opposite to and against the name of each person entered in the registers who is not shown by said registers to have voted; to then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day, and when they have made comparison and ascertained such fact the chairman shall announce the same in a loud voice. (p. 63.— *W. hd.*)
- Canvass of votes** To canvass, tally, and certify the result of the election, in accordance with the existing laws of the State, the chairman of each Board of Inspectors performing the duties required by law of the inspector, and the other two inspectors the duties required of judges of election. (pp. 37, 38, 64.— *W. hd.*)
- Attendance.** To be in constant attendance during the hours and times fixed for the discharge of their several duties. (p. 65.— *W. hd.*)
- Board of Canvass in election of Assessors.** To assemble in the City Hall at Wilmington, immediately after making the certificates required by Section 8, Chapter 19, of the Revised Statutes, and ascertain and declare who have been duly elected assessors in the several assessment districts, and to make, sign and deliver certificates of said election in the manner prescribed by law. (p. 136.— *W. hd.*)

CITY SURVEYOR.

- Furnishing of Maps, &c.** To furnish the Department of Elections, upon request, a map or maps of the several wards of the city, or any and all portions thereof. (p. 66.— *W. hd.*)

REGISTRARS AND ALTERNATE REGISTRARS.

- Oath.** To take and subscribe, within ten days of being notified of their appointment, the prescribed oath, before the Clerk of the Peace of the county in which they shall reside, before entering upon the duties of their office. (pp. 19, 20 and 32.—S.)
- Registration books.** To endorse the books of registration and voting books immediately upon receiving them, in accordance with the provisions of the law. (p. 24.—S.)
- Sittings.** To sit at such places in the election district as may be most convenient to the voters, ample notice being given of times and places, from 8 a. m. until 6 p. m., with an intermission from 12 to 1, on the first four Saturdays of the September next preceding every general election, to pass upon the qualifications of each person personally applying to be registered, and to record certain entries in their registers and voting books. (pp. 24-28.—S.)
- Stamping receipt** To stamp the tax receipt of any person applying to be registered as a qualified voter whenever he requires such person to produce said tax receipt. (p. 32.—S.)
- Printing of Alphabetical list, &c.** To cause to be printed not less than fifty copies of the alphabetical list of qualified and partially qualified voters and entries opposite the names in each of the voting books, within one week of their last sitting in September, and within said week "to cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in his hundred or election district." (p. 28.—S.)
- Certificate.** To give to each person registered a certificate of registration, if requested. (p. 28.—S.)
- Certificate in case of removal.** To (upon the personal application of any person registered as a qualified voter, or one who may become qualified upon payment of tax, who has removed from the county in which he is so registered to any other county in this State) strike the name of such person from the register and voting books, and give him a certified copy of the entries in the register and voting books relating to him, together with a certificate that his name has been stricken from the register and voting books. (pp. 31-32.—S.)

- Associate Registrar.** To appoint a person to act as associate registrar, upon failure of the proper person to select the same, and in certain other cases. (p. 33.—S.)
- Alphabetical list.** To produce and have before the Board of Registration, at all its sittings, the alphabetical list delivered to him by the Sheriff, and also the registers and voting books. (p. 29.—S.)
- Registration books.** To deliver to the Sheriff of the county one of said registers, and one each of voting books of qualified voters, and voting books of partially qualified voters, properly certified to, together with the alphabetical lists which shall have been delivered to him by the said Sheriff, within one day after said registers and voting books have been duly certified to by the Board of Registration, and to deliver to the Clerk of the Peace of the county in which he resides the registers and voting books retained by him within one week after the following general election. (35-36.—S.)

INSPECTORS ACTING AS REGISTRARS.

- Board of Registration.** To meet in their respective election districts at the places which, as provided by law, shall be designated for such meeting, and at the times designated by law for registration, and organize as a board by selecting one of their number to act as chairman; to remain in session on each of said days for the revision of registration, from between the hours of eleven and twelve o'clock in the forenoon and seven o'clock in the afternoon; to receive and enter upon their several registers the application for registration of all male persons who shall personally present themselves, and to examine all persons who personally apply as to their qualifications as electors, and immediately, in the presence of the applicant, enter in the register the statements and facts set forth in the law. (pp. 53, 54, 55.—*W. hd.*)
- Meeting.** To meet in their respective election districts, at the places which shall have been provided for such meetings, on the days and at the times designated for the revision of any general registration, and receive the applications for registration in accordance with the law. (p. 55.—*W. hd.*)
- Removal of voters.** To transfer, when they deem proper, the name of any voter from one registration district to another, upon removal, application, and compliance with requirements of law, and to preserve the oath of voter removing, and make certain entries on the register, and to give certificate of removal. (pp. 56, 57, 58. *W. hd.*)

Stamping of tax receipts. To stamp the tax receipt of every applicant entered upon the register. (p. 58.—*W. hd.*)

Signing of certificates. To fill up, date, and each sign a certificate as prescribed by law, at the close of each day of registration or revision of registration, and before adjourning shall make a "public copy" of the registers and compare throughout each of the registers and copy thereof, and on the last days of any registration and revision of registration certify the said copy in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of registration or revision of registration leave it suspended in the place where such registration was conducted; to take possession of said copy of registration and return to the Department of Elections, as provided by law, and at the same time to deliver one of the registers made by them. (pp. 59-60.—*W. hd.*)

BOARD OF REGISTRATION.

Sitting. To sit from 8 o'clock a. m. until 6 o'clock p. m., with an intermission from 12 to 1, on the three Saturdays immediately preceding the Saturday next before the general election, at the place where the following general election is to be held, or at some convenient and suitable place in the town or village in which such election will be held; to enter upon said registers the names of all persons applying to be registered who have omitted to make such application before the registrar when sitting alone, and also the names of all persons who may have applied to the said registrar but whose names were not entered by him as required by law; to correct on the registers any mistakes which may have been made by the registrar in any entry therein, either as to the name, or as to any other statement of fact, upon the personal or written application of the person in relation to whom such correction is made, or, after written notice to him; to hear and examine appeals from the registrar in certain cases upon the personal application of the person appealing, and make certain entries of the acts and findings in relation thereto; to examine into the matter of any person charged to be illegally registered, upon a proper affidavit of a legal voter being presented to them, and to make certain entries of the acts and findings in such case. (pp. 29, 30, 31 and 33.—*S.*)

- Comparing Registers, &c.** To compare the two registers and the two alphabetical lists, as contained in the voting books, immediately after the close of their last sitting. (p. 34.—S.)
- Certificates.** To append to each of the alphabetical lists contained in the several voting books a certificate, in accordance with the requirements of the law, within three days after their last sitting; and to append to the registers of their respective hundreds or election districts a certificate that each of said registers is the official register of such hundred or election district, and, so far as is within their knowledge, no false or improper entries have been made therein. (p. 34-35.—S.)
- Powers.** To exercise the powers of a justice of the peace at and around the place of registration, as provided in Section 4 of "An act providing for the registration of voters." (p. 20.—S.)

PRESIDING OFFICERS AND SECRETARIES OF PARTY CONVENTIONS OR COMMITTEES.

- Certificate.** To certify to Clerks of the Peace, not less than twenty days before the day of election, the nominations made by the party convention, the title of the party which such convention represents, and the party figure or device by which its candidates may be designated on the ballot. (3-4—G.)

ELECTION OFFICERS.

- Oath.** To take the prescribed oaths of office before entering upon their duties. (pp. 13, 16, 98 and 100—G.)
- Clerk of Election** Each of the two judges of election, after being qualified, to choose one clerk of election. (p. 100.—S.)
- Voters' Assistants.** To select voters' assistants and assign them a place in the room where the election is being held. (p. 10.—G.)
- Ballots.** To provide ballots in case there shall be found no ballots at the opening of election. (p. 8.—G.)
- Ballot boxes.** To examine ballot boxes and see that the same contain nothing, then to lock the same and deliver the key, &c., as provided by law. (p. 101.—G.)

- Voting.** Not to permit more than one elector for each booth to enter or be in the election room at any one time, nor more than one person to occupy any booth at one time, nor allow any voter to remain in or occupy any booth longer than three minutes. (p. 11.—G.)
- Entries.** To write the word "voted" against the name of any person voting, in the alphabetical list in the voting book in which his name appears. (p. 37.—G.)
- Disputed ballots** To record on the tally list memoranda of disputed ballots and ballots not conforming to the provisions of this act and the condition of the seal on the ballot packages; to count the unused
- Unused ballots.** ballots, destroy the same by fire, and certify on the respective tally lists the number of ballots so destroyed. (p. 14.—G.)
- Counting of votes** To read and count the votes; make and sign two certificates of the election in their hundred according to the forms prescribed in the law; sign the tally lists, which they shall deposit, with one of said certificates, in the box into which the ballots shall be put when read, and other duties as required by law. (p. 103.—G.)
- Certificates.** To make and sign four certificates of the person elected as assessor and inspector for their respective hundreds immediately upon closing the election, and to transmit the same to the proper officers, and to vary the form of said certificates where the hundred has been divided into two or more election districts; and in the latter case the inspector and judges of each election district shall assemble on the day next succeeding such general election at the place and in the manner prescribed by law to ascertain who has been duly elected assessor. (pp. 90-91.—S.)

CLERKS OF ELECTION.

- Marking ballots.** To write their initials, in ink, upon the lower left hand corner of the back of each of the ballots in their ordinary handwriting, without any distinguishing mark; and the clerk having the custody of the ballots to deliver one to each successive elector as called for, and the other clerk to deliver to him a stamp. (9-10—G.)
- Entries.** To write the word "voted" after the name of the voter on the poll list, and to make a minute, opposite the name of any

elector who discloses the name of the candidate and candidates for whom he voted, of such disclosure, and also to make a minute of the delivery of a second ballot in case the first is spoiled, defaced or mutilated. (pp. 11-12—*G.*)

Poll list. To keep, in ink, in books to be prepared and furnished for that purpose, a poll list, as prescribed by law. (p. 63.—*W. hd.*)

Attendance. To be in constant attendance during the hours and times fixed for the discharge of their several duties. (p. 65.—*W. hd.*)

VOTERS' ASSISTANTS.

Oath. To take the prescribed oath and to prepare, in the presence of the elector, and in the presence of each other, the ballot of any elector who declares that, by reason of physical disability or inability to either read or write, or both, he is unable to mark or alter his ballot, and requests their assistance. (pp. 10-12—*G.*)

BOARD OF CANVASS.

Meeting. To meet at the court house of their county on the Thursday next succeeding the day of the general election, at twelve o'clock noon, except in New Castle county, where they shall meet at ten o'clock a. m. (p. 103—*G.*)

Canvass of returns. To ascertain, publicly, the state of the election throughout the county by calculating the aggregate amount of all the votes for each office that shall have been given, in all the hundreds of the county, for every person voted for for such office, and make the required certificates. (pp. 105, 106—*G.*)

COMMISSIONERS.

Division of election districts. To divide hundreds or election districts when they deem necessary and establish the boundaries thereof, and designate each of said newly established election districts by appropriate titles or distinctions; designate the place of holding the elections in said districts, and secure the room for the holding of the same; to appoint inspectors for the new election districts in which the inspector for the original hundred or election district does not reside, and to certify a report of their proceedings to the Clerk of the Peace of the proper county by the first day of March, A. D. 1892. (pp. 13-14—*S.*)

DEPARTMENT OF ELECTIONS.

- Oath of office.** To take and subscribe the oath of office and file the same in the office of the Clerk of the Peace, within one month from the time of appointment. (p. 46.—*W. hd.*)
- Organization.** To meet and organize by selecting one of their number to be president for two years from the date of his appointment, and to select one of their number biennially thereafter to be president. (p. 46.—*W. hd.*)
- Redistricting.** To divide the city into as many election districts as they shall deem necessary, on or before the first day of September next preceding the time of the first registration held under the provisions of law, and every six years thereafter. Provided that each election district shall contain, as near as may be, no more than three hundred, nor less than one hundred qualified voters, and that each of said districts shall be entirely within the boundary of one ward, and on or before the first day of September, 1894, and bennially thereafter, to divide such of the districts as shall be found to have a registration of more than three hundred voters. (pp. 46, 47.—*W. hd.*)
- Polling place and place of registry.** To designate and appoint a place of registry and polling place in each election district in the city, and not less than two weeks prior to the first day of any registration or revision of registration advertise, by posters or handbills, posted in five of the most public places in each district, the number and boundaries of the district in which they are posted, the time and place of holding the next registration and election in such district, and the officers to be voted for at such election; and to hire all such places, and cause the same to be fitted up, warmed, lighted and cleaned. (p. 47.—*W. hd.*)
- Books of Registration.** To cause to be prepared books for the registration of names and facts required by law. (p. 47.—*W. hd.*)
- Supplies.** To prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks, instructions, and a copy of the Wilmington Registration law for the use of the inspectors of elections. (p. 48.—*W. hd.*)
- Custody of certain books and papers.** To have and retain the custody of all registers, tally lists, books, maps, forms, oaths of office and of removal, blanks, instructions, and all other records and supplies pertaining to the Department of Elections. (p. 48.—*W. hd.*)

- Dismissal of election officers. To dismiss any election officer at any time that they may deem proper, and supply his place with another person, (p. 48.—*W. hd.*)
- Clerk. To employ a clerk and such other assistance as they may deem necessary. (p. 48.—*W. hd.*)
- Record of Deaths. To cause to be delivered to each inspector of elections, in each election district in the city, in each year in which an election is held, on or before the first day of registration, a "Record of Deaths." (p. 49.—*W. hd.*)
- Ballot boxes, stamps, &c. To furnish the inspectors with ballot boxes and stamps. (pp. 49, 50.—*W. hd.*)
- Appointment of inspectors. To appoint, in the month of August in each year in which a general election is held, three persons for each election district to serve as inspectors of election and to appoint poll clerks for elections, and make all necessary removals and transfers of election officers, and fill all vacancies. (50, 52.—*W. hd.*)
- Certificates. To deliver a certificate of appointment to whomsoever shall be nominated, approved, and sworn into office by it as an inspector of election or poll clerk. (51, 52.—*W. hd.*)
- Examination, comparison, and delivery of registers. To carefully examine and compare with each other the several registers required to be filed in their office, and make certain corrections therein, and on the morning of the day of the next election, between the hour of seven o'clock a. m. and the time prescribed for opening the polls, deliver to the inspectors the registers made by the inspector of such district, and so corrected. (p. 60.—*W. hd.*)
- Office. To meet and fit up some suitable place in the city of Wilmington as an office for the use of the Department. (p. 65.—*W. hd.*)
- Notice to Attorney-General. To notify the Attorney-General of all violations of the act providing for the registration of voters in the city of Wilmington. (p. 74.—*W. hd.*)

DUTIES OF OFFICERS

At Municipal Elections in the City of Wilmington.

MAYOR.

- Duty as Justice of the Peace.** To perform duties of Justice of the Peace at elections. (p. 80.)
- Appointment of members of the Department of Elections.** To appoint members of Department of Elections to fill vacancies caused by expiration of term of office of present members or to fill other vacancies. (p. 143.)
- To be present in his office for receiving returns.** To be present in his office from the time of closing polls until 12 o'clock midnight the day of the election, and from the hour of 8 o'clock to the hour of 10 o'clock a. m. of the first Monday after the election, and on the first Tuesday following the election from the hour of 10 o'clock a. m. to 12 o'clock noon. (pp. 161-2.)

CITY SURVEYOR.

- Maps.** To furnish to the Department of Elections, upon their request, a map or maps of the several wards of said city, or any and all portions thereof. (p. 167.)

CITY COUNCIL.

- Vacancies.** To fill vacancies temporarily in office of Mayor. (p. 140.)
- Certificates.** To examine certificates, and in case of tie elect one of the candidates to the office for which he is a candidate. (p. 163.)
- Contests.** To hear and determine all contests made in accordance with the law by any candidate for any city office. (pp. 163-4.)

CLERK OF CITY COUNCIL.

Presence at office to receive returns, &c. To be present at the office occupied by him from the hour of closing the polls until midnight of the day of the election, and from the hour of 8 o'clock to the hour of 10 o'clock a. m. of the Monday after the election, and on the first Tuesday after election from the hour of 10 o'clock a. m. to 12 o'clock noon. (pp. 161-2.)

INSPECTORS.

Examination. To appear before the Department of Elections within ten days after notice of their selection as inspectors for the purpose of examination, and if found qualified to take the prescribed oath. (pp. 147-8.)

Care of registers. To not permit registers to leave their possession from the time of receiving the custody of the same until they shall file the same, as provided by law. (p. 155.)

Oath. To administer the oath or oaths, provided by law, to any applicant who may be challenged on any day of registration or election. (p. 155.)

Comparing of registers. To be present at their respective polling places at or before the hour of 9 o'clock a. m. on the day of any city election, to carefully compare, before the hour of election, the corrected register with the other registers and the public copy of the register, and make them agree with the corrected register. (p. 154.)

Copy of registers. To take possession of the public copy of the registers on the day of the election and return it to the Department of Elections, as provided for the return of registers. (p. 153.)

Poll Clerks. To choose a person or persons to act as poll clerk or clerks if either or both of the poll clerks be not present at the place of election at the time for opening any city election. (p. 164.)

Announcement. To announce, in a distinct manner, the name of any person offering to vote, and if the applicant be decided to be qualified, to make certain entries in the register upon depositing the ballot and to immediately stamp his tax receipt. (pp. 154-5.)

Names and residences. To note on register the name and residence of each and every person whose vote shall be received contrary to law, and the

name of the inspector or inspectors who shall receive or deposit in the ballot box any such vote. (p. 155.)

- Entries in registers.** To write, in ink, immediately after the close of the polls and before proceeding with the canvass of the ballots, opposite the name of each person entered in the registers, who is not shown by said registers to have voted, the word "no;" to then compare the registers, make them agree and ascertain the number of persons who by them are shown to have voted at that poll that day, and announce the same in a loud voice. (p. 157.)
- Comparison of registers, &c.** To compare the registers as kept by them and attach to them a certificate, in writing, that the same are correctly checked, immediately on the close of the polls on the day of election; and within forty-eight hours after the completion of the canvass of the votes in the election district in which they respectively serve leave the register at the office of the Department of Elections. (p. 155.)
- Canvass.** To publicly and fully canvass, without adjournment, the votes, as soon as the polls of election shall have been finally closed, and make out and sign the several statements required by law. (pp. 157-8-9-160.)
- Destruction of ballots.** To destroy certain ballots. (p. 161.)
- Delivery of statements.** To deliver statements to the Department of Elections, to the Clerk of the City Council, and to the Mayor, at or before the hour of 10 o'clock a. m. on the first Monday after the city elections. (pp. 160-1.)
- Receipt for registers, &c.** To take receipt for any statement, tally, register, or copy thereof, from the person to whom the same may be delivered, according to law, and to file said receipt in the office of the City Auditor. (p. 161.)
- Alphabetical list.** To securely attach the alphabetical list of the names of voters having died since the last city election in his district to the inside of the register in his custody, and to make certain entries in the register. (p. 146.)

INSPECTORS ACTING AS REGISTRARS.

- Meeting.** To meet in their respective election districts at the places and times designated by law and organize as a board by selecting one of their number to act as chairman; to remain in session on each of the days fixed by law, between the hours of ten

o'clock in the forenoon and half-past seven in the afternoon, to receive and examine applications for registration; to administer the oath or affirmation prescribed by law, and to enter in the register the statements and facts required, in the manner prescribed. (pp. 150-1-2.)

Stamping of tax receipts. To stamp the tax receipts presented by persons applying to be registered. (p. 152.)

Certificate. To fill up, date and sign a certificate, as required by law, at the close of each day of registration.

Copy of registers To make a copy of the registers in a book prepared for that purpose, and compare the same and all the registers on each day of any registration before adjourning, and on the last day of any registration in every year in which a city election is held to certify the said copy in the same manner as if it were an original, and within forty-eight hours after the adjournment on said last day of registration leave it suspended in the place where such registration was conducted. (p. 153.)

DEPARTMENT OF ELECTIONS.

Election districts To divide the City of Wilmington into election districts on or before the first day of April in every fifth year; said districts to contain not exceeding three hundred nor less than one hundred qualified voters, and to be entirely within one ward, and to redivide said districts, on or before the first day of April in every year, when the registration shows more than three hundred voters in one district. (p. 144.)

Places of registry and voting. To designate and appoint the places of registry and polling place in each district, and biennially, not less than two weeks prior to the first day of registration, advertise the number and boundaries of districts and designate the time and place of holding the registration, the officers to be voted for, and to hire such places and cause the same to be fitted up, warmed, lighted and cleaned. (p. 144.)

Books, maps, &c To cause books of registration, maps, &c., to be prepared and furnished to election officers. (pp. 144-5.)

Alphabetical record. To, in each year in which a city election is held, cause to be made and delivered to each inspector, on or before the Saturday next preceding the day of election, an alphabetical record

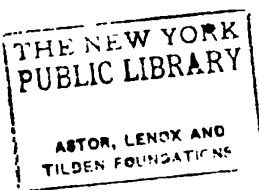
of all male persons twenty-one years of age and upward who have died in the district of said inspector since the last city election. (p. 146.)

- | | |
|--------------------------------------|--|
| Election machinery. | To furnish election officers with necessary election machinery. (p. 147.) |
| Inspectors and Poll Clerks. | To select for such election district, in the month of April in each year in which a city election is held, three persons to serve as inspectors of elections, and also select poll clerks for city elections, make all necessary removals and transfers and fill all vacancies. (pp. 147-149.) |
| Certificate. | To give a certificate to whomsoever shall be nominated, approved and sworn into office as an inspector of elections or poll clerk. (pp. 148-9.) |
| Comparison of registers. | To carefully examine and compare with each other the several registers required to be filed in their office, and to make the proper corrections and entries therein. (pp. 153-4.) |
| Delivery of registers. | To deliver to the inspectors in each election district, at the polling place therein, the register made by the inspector of such district, as corrected, on the day of the next city election, between 9 o'clock a. m. and the time prescribed for opening the polls. (p. 154.) |
| When to be present in office. | To be present in their office from the time of closing polls until 12 o'clock midnight of the day of the election, and from the hour of 8 o'clock to the hour of 10 o'clock a. m. of the first Monday after the election. (p. 161.) |
| Certification of result of election. | To meet in public session, at the City Hall, on the first Monday following each city election, at the hour of 12 o'clock noon, and canvass, declare and certify the result of such election, and on the first Tuesday following the election, between the hours of 10 o'clock a. m. and 12 o'clock noon, deliver and lodge one of the certificates, made as required by law, in the office of the Clerk of the City Council, and the other in the office of the Mayor of the city. (p. 162.) |
| Certificates. | To make certificates and deliver the same to each person declared to be elected at said election. (pp. 162-3.) |
| Office. | To rent and fit up some suitable and convenient place in the city for an office. (p. 165.) |

POLL CLERKS.

- Examination.** To appear before the Department of Elections within ten days after notice of the selection as poll clerks for the purpose of examination, and if found qualified to take the prescribed oath. (147-8.)
- Entries,** To keep, in ink, a poll list in books prepared for that purpose and make certain entries therein. (pp. 156-7.)
- Tally.** To deliver tally to the Department of Elections and to the Clerk of the City Council. (p. 161.)
- Certification of poll list.** To certify the poll list to be a true and correct list of the votes cast at the election in their respective election districts, and at or before the hour of 10 o'clock a. m. of the first Monday after the city election to file the same, one in the office of the Department of Elections and the other in the office of the Clerk of the City Council, and to take a receipt from the party receiving the same and to file the said receipt in the office of the City Auditor. (p. 161.)

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LAWS OF DELAWARE.

VOLUME XIX.

TITLE FOURTH.

Of Elections.

CHAPTER 37.

AN ACT to provide for the Secrecy and Purity of the Ballot.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That hereafter it shall be the duty of each inspector of elections in this State, outside of the city of Wilmington, to provide a room for the holding of any general or special election in his hundred or election district which shall be adapted to the requirements of this act. Said room shall be at the place now or which may hereafter be established by law in each hundred or election district for the holding of elections, or in as close proximity thereto as practicable, having due regard to the convenience of the voters. *Provided*, however, that if any inspector shall select a place for the holding of any general or special election in his hundred or election district, other than the one established by law, he shall do it in time to give the notice of holding such election required by law. Said room shall have a door or entrance of easy or convenient access, and if practicable, a separate means of exit. It shall be provided on the outside with a passage at least four feet wide and with a railing, rope or wire on each side commencing at least thirty feet away from and leading to the entrance to such place of election and passing the place assigned for the challengers and thence to the entrance of the room in which the election is held.

Duty of Inspector to provide a room for holding elections.

Place of holding elections.

Notice of change of place of holding election.

Plan of room and entrance.

OF ELECTIONS.

Interior appliances of room.

Booths.

Size and arrangement of booths.

Duty of the department of elections in the city of Wilmington, in providing conveniences for elections.

Challengers.

What shall constitute a political party under this act.

The inspector shall provide for the room a railing therein separating the part of the room to be occupied by the election officers from the remainder of the room. He shall also provide a suitable table and chairs for the use of the election officers. The table shall occupy such a position in said room as to enable the election officers and the challengers herein-after provided for to easily communicate with each other. He shall cause to be constructed in the room at least one booth for every one hundred and fifty voters or fractional part thereof in each hundred or election district; *provided* that there shall not be less than three booths at any one hundred or election district. The booths shall be at least three feet square and six feet high if the ceiling will admit it. They shall each contain a shelf properly constructed and provided with pen and ink and they shall be so constructed and arranged that all the election officers in the room can see whether more than one voter enters any one of them at any one time. In the city of Wilmington it shall be the duty of the Department of Elections to select the voting place in each election district within the city and to provide the room in which the election is to be held and to protect the same with the required railing or rope and to construct therein the necessary number of booths and to do all other things required to be done by the inspectors of election outside of the city of Wilmington in and about the furnishing and fitting up of said room.

SECTION 2. Each of the political parties may select and accredit some suitable person as a challenger to stand without the door or entrance of the room in which the election is to be held, and by the side of the passage hereinbefore provided for; and in case of failure of any or all of the political parties to select such person or persons as challenger or challengers it shall be the duty of the inspector and judges to make such selection or selections, *provided* that the challengers may be changed and their places filled in like manner during the day.

SECTION 3. A political party within the meaning of this act shall be an organization of bonafide citizens and voters of any county in this State, which shall by means of a convention, primary election or otherwise, nominate candidates for public offices to be filled by the people at any general or special election within the State. No organization shall be regarded as a political party that does not represent at least

OF ELECTIONS.

one hundred bonafide citizens and voters of the county in which it exists. If the Clerk of the Peace should have any doubt as to the sufficiency of the number of bonafide voters represented by any organization in any county, he may demand a certificate of twenty-five voters belonging to such an organization as to that fact.

Clerk of the Peace may demand certificate of organization

SECTION 4. The Clerks of the Peace for the several counties shall cause to be printed on the ballots, herein provided for, the names of the candidates nominated by the parties recognized by them as political parties within the meaning of this act. The nomination of the candidates for the office of Governor, Representatives in Congress and Presidential Electors shall be certified to the several Clerks of the Peace by the presiding officer and secretary of the several State party conventions or committees, and the nominations of the candidates for the county, hundred and district offices shall be certified to the respective Clerks of the Peace of the county in and for which such nominations have been made by the presiding officer and secretary of the proper party convention or committee. The certificate shall be in writing and shall contain the name of each person nominated, his residence and the office for which he is nominated. The persons making such certificate shall add to their signatures their respective places of residence and shall acknowledge said certificate before an officer duly authorized to take acknowledgments of deeds, and a certificate of such acknowledgment shall be affixed to the instrument.

Clerks of Peace to print ballots.

Nomination to be certified to Clerk of the Peace.

Form of certificate.

The certificate shall also designate a title for the party which such convention or committee represents together with any simple figure or device by which its list of candidates may be designated on the ballot. *Provided* that the figure or title or device selected and designated by the State convention or committee of any party shall be used by that party throughout the State; only one figure or device shall be used by a party at any election. The same title, figure or device shall not be used by more than one party, and the party first certifying a name, title, figure or device to the Clerks of the Peace shall have the prior right to use the same. Such figure or device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State, or of the United States, or the flag of the United States, shall not be used as such figure or device.

Certificate to designate figure or device of party

Figures or devices of parties.

What figures or devices may be used.

What shall not be used.

OF ELECTIONS.

Death, re-signation, or removal of candidates. In case of death, resignation or removal of any candidate subsequent to nomination a supplemental certificate of nomination may be filed by the proper officers of the State, county, district or hundred committees. In case of a division in any party and claim by two or more factions to the same party name or title, figure or device, if the division occurs at a State convention, or extends throughout the State, the Clerks of the Peace of the several counties shall, within ten days after any one of them has received the certificates of the contending factions, assemble in the office of the Clerk of the Peace at Dover and determine which faction the name, title or figure properly belongs to, giving the preference to the convention held at the time and place designated in the call of the regularly constituted party authorities; and if within five days thereafter the other faction shall present no other party name or title, figure or device and certify the same to the Clerks of the Peace the latter shall again immediately assemble and select some suitable title figure or device for said faction and the same shall be placed above the list of their candidates on the ballots. If the certificate of the contending factions shall not be received by the Clerks of the Peace in time for them to assemble at Dover before publishing the device and list of candidates in the newspapers, then and in that case each Clerk of the Peace shall determine for himself which faction shall be entitled to the name, title, figure or device and shall select a name, title, figure or device for the other faction. *Provided* that in case of division in any party extending only throughout a county, district or hundred, the Clerk of the Peace of the County in which such division occurs upon the receipt of certificates from the contending factions shall determine which faction is entitled to the party name, figure or device and to have their nominations printed in the proper party column, and should the other faction fail to do so the Clerk of the Peace shall select for them a name or title, figure or device.

In case of division and factions in parties, who shall use party figure or device.

How decided.

Clerk of the Peace to preserve all certificates of nominations. SECTION 5. The Clerks of the Peace of the several counties shall cause to be preserved in their respective offices all certificates of nominations filed under the provisions of this act for six months after the date of the filing thereof.

Time of filing certificates of nominations. SECTION 6. Certificates of nominations herein directed to be filed with the Clerks of the Peace shall be filed not less than twenty days before the day fixed by law for the election of the persons in nomination.

OF ELECTIONS.

SECTION 7. At least ten days before an election to fill any public office the Clerk of the Peace of each county shall cause to be published in at least two newspapers within his county the nominations to office certified to him as directed in Section 4. He shall make no less than two publications in each of such newspapers before election. Such publications shall be made in two newspapers representing the two principal political parties. *Provided*, that in all cities where a daily newspaper is published such notice shall also be published in two daily papers representing such political parties, if such there be. The lists of nominations published by the Clerk of the Peace shall be arranged as far as practicable in the order and form in which they will be printed upon the ballots and shall designate the devices under which the lists of candidates of each party will be printed. The Clerk of the Peace shall not include in the publication to be made according to this section the name of any candidate whose certificate of nomination shall have been filed in his office who shall have notified him in writing duly signed and acknowledged that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed on the ballot as hereinafter provided.

Publication
of nomina-
tions.

In what
newspapers
published.

Arrange-
ment of nom-
inations for
publication.

What nomi-
nations shall
be excluded
from publi-
cation and
from the
ballots.

SECTION 8. The Clerk of the Peace in each county shall cause the names of all candidates to be voted for in his county and the several hundreds or districts in the same to be printed in parallel columns on one ballot, all nominations of any party being placed under the title and device of such party as designated by its authorized agent or agents in the certificate or certificates; or if none be designated under some suitable title and device to be selected by the Clerk of the Peace. The ballots shall be of uniform size and of the same quality and color of paper and sufficiently thick that the printing cannot be distinguished from the back. The arrangement of the ballot shall in general conform as nearly as possible to the plan hereinafter given and the device named and chosen and the list of candidates of the Democratic party shall be placed in the first column on the left hand side of said ballot; of the Republican party in the second column and of any other party in such order as the Clerk of the Peace shall decide.

Clerks of the
Peace to
print ballots.

Size, form,
style and
color of bal-
lots.

OF ELECTIONS.

Arrange-
ment of bal-
lots.

.....
DEM.
.....

Device.
Democratic
Ticket.

.....
REP.
.....

Device.
Republican
Ticket.

.....
DEM.
.....

For Governor:
A. B.

.....
REP.
.....

For Governor:
E. F.

.....
DEM.
.....

For Representative
in Congress:
C. D.

.....
REP.
.....

For Representative
in Congress:
G. H.

Death, re-
moval or re-
signation of
candidates
after print-
ing of ballots

New nomi-
nation, pas-
ters, etc.

Duty of
clerks of
election in
using such
pasters.

Printer of
ballots to al-
low no bal-
lots to be
taken out,
nor to print
in any other
form.

Penalty.

Number of
ballots to be
printed.

SECTION 9. In case of the death, removal or resignation of any candidate after the printing of such ballots and before such election, it shall be lawful for the chairman of the State, county, hundred or district political organization by which such candidate was nominated to make a nomination to fill such vacancy and to provide the election officers of each election district in which such candidate is to be voted for with a number of pasters containing only the name of such candidate at least equal to the number of ballots provided for each election district, but no pasters shall be given to or received by any one except such election officers and such chairman, and it shall be the duty of the clerks of election to put one of such pasters in a careful and proper manner and in the proper place in each ballot before they shall sign their initials thereon.

SECTION 10. If the printer of such ballots or any person employed in printing the same shall give or deliver or knowingly permit to be taken any of said ballots by any person other than the Clerk of the Peace for whom such ballots are being printed or shall print, or cause or permit to be printed any ballot in any other form than the one prescribed by this act or with any other names thereon than those authorized by the Clerk of the Peace or with the names spelled or the names or devices thereon arranged in any other way than that authorized and directed by the said Clerk of the Peace, he shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one nor more than five years or both at the discretion of the Court.

SECTION 11. The Clerk of the Peace in each county shall cause to be printed within the State of Delaware in the

OF ELECTIONS.

form hereinbefore provided four ballots for every voter in each hundred or election district in his county, and the number of voters shall be ascertained in each hundred or election district by reference to the highest number of votes polled therein at any preceeding election with due allowance for any estimated increase thereof. If a new election district has been established in his county the number shall be estimated by said Clerk of the Peace according to the best information he can obtain.

Number of
voters; how
ascertained.

The Clerk of the Peace shall cause the ballots for each hundred or election district to be carefully wrapped and tied in two packages each containing the same number of ballots, which packages shall be plainly marked and securely sealed with wax.

Packages of
ballots.

The Clerk of the Peace in each county shall also provide and enclose in each of said sealed packages one stamp for every three hundred ballots contained in the package, bearing a (*) or such other device as he may select together with ink pads or other necessary apparatus ready for use.

Stamp.

SECTION 12. It shall be the duty of each inspector of election outside of the city of Wilmington to appear at the office of the Clerk of the Peace of his county on the day preceding the election before the hour of three o'clock in the afternoon and the Clerk of the Peace shall deliver to him one of the sealed packages of ballots and stamps for his hundred or election district and the said inspector shall safely keep the said package and produce the same at the place of election and at the time of the opening of the election, *provided*, however, that in case there shall be a vacancy in the office of any inspector on the day preceding the election or any inspector for any cause shall not apply to the proper Clerk of the Peace for the package of tickets printed for his hundred or election district by the hour of three o'clock in the afternoon of the day preceding the election the said Clerk of the Peace shall deliver said package to some trusty person who shall deliver it on the day of the election to the inspector of election of such hundred or election district at the place of election and immediately upon the qualification of the election officers.

Duty of In-
spectors of
election to
appear at the
office of
Clerk of the
Peace to re-
ceive ballots
on day be-
fore election
To keep safe

Failure of
the inspector
to call for
tickets,
Clerk of the
Peace to de-
liver to
whom.

In the city of Wilmington it shall be the duty of the President of the Department of Elections or in case he cannot attend some other member of the Department of Elec-

To whom
tickets de-
livered in
the city of
Wilmington.

OF ELECTIONS.

tions authorized in writing by the President of the Department of Elections to appear at the office of the Clerk of the Peace of New Castle county on the day preceding each election on or before the hour of three o'clock in the afternoon and the said Clerk of the Peace shall deliver to him one of the sealed packages and stamps for each election district in the city of Wilmington. And the said department of elections shall safely keep the same and deliver to each board of election officers at the polling place on the day of the election at the time provided by law for the delivery of the ballot boxes the ballots intended for their several and respective districts.

Penalty of election officer or other person breaking package containing ballots, etc., before opening of election.

SECTION 13. Any inspector or any other election officer or any other person whatever who shall break any package containing ballots and stamps or take any ballot therefrom, or suffer the same to be done by another, before the opening of the election shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than three hundred dollars nor more than five hundred dollars and may at the discretion of the court be imprisoned for a term not less than one year nor more than two years.

Loss or destruction of ballots.

SECTION 14. If by any accident or casualty the ballots delivered to any inspector or other person by any Clerk of the Peace shall be lost or destroyed it shall be the duty of such person having such packages in his custody to report the loss at once to the Clerk of the Peace from whom the same were obtained and make affidavit of the circumstances of the loss whereupon such Clerk of the Peace shall at once re-supply such person. In case such person having in custody said package fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon such Clerk of the Peace shall at once send a new supply by

New supply of ballots.

In case election officers find no ballots or means of voting at election.

some trusty person as provided in other cases. In case, for any reason, there should be found no ballots or other necessary means or contrivances for voting, at the opening of the election it shall be the duty of the election officers at such election place to secure the same as speedily as possible, and, if necessary, such election officers shall have ballots printed or written; *provided, however*, that such ballots shall conform as nearly as possible to the official ballots and the printing and the preparation and the care of the same shall be under the same provisions and penalties as the printing and the care of the other ballots prescribed in this act.

Proviso.

OF ELECTIONS.

SECTION 15. At the opening of the election, after the qualification of the several officers and in the presence of the others the inspector or the chairman of the board of inspectors shall open the package of ballots in such a manner as to preserve the seals intact. He shall then deliver to the clerk of the election of the opposite political party from his own, twenty-five of the ballots and to the other clerk of the election the stamps for marking the ballots. The clerks of the election shall at once proceed to write their initials, in ink, on the lower left hand corner of the back of each of the said ballots, in their ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot the clerk of the election having the custody of the ballots shall deliver to him the first signed of the twenty-five ballots, and the inspector shall immediately deliver to the said clerk of the election another ballot which the clerks of the election shall at once countersign, as before, and add to the ballots already countersigned, so that it shall be delivered for voting after all of those theretofore countersigned.

Opening of
package of
ballots.

Duty of
clerk of
election.

Delivery of
ballots.

SECTION 16. The Clerk of the Peace of each county shall cause to be printed in large type on cards, in English and such other language as he may deem necessary, instructions for the guidance of electors in preparing their ballots. He shall furnish twelve of such cards in each of the languages determined upon by him to each of the election inspectors at the same time he delivers to him the ballots for his hundred or election district. Each inspector shall cause to be posted one of each of said cards in each place or compartment provided for the preparation of ballots, and one of each kind of such cards at or near to the outer end of the enclosure leading to the polling place, and not nearer than thirty feet of the polling place, and not less than three of each of such cards, and three samples of each of the ballots in and about the polling place at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done: First, to obtain ballots for voting; second, to prepare the ballots for voting; third, to obtain a new ballot in place of one accidentally defaced, mutilated or spoiled, also copies of Sections 24, 32, 33, 34 and 35 of this act.

Instructions
for voting.

Inspectors to
have cards
posted.

Form of
cards of in-
struction.

OF ELECTIONS.

Challengers, where to stand. SECTION 17. One challenger appointed and designated by each political party as hereinbefore provided shall be entitled to stand at the side of the passage and near the entrance to the room. **No other persons, except to vote, to be within 30 feet of entrance.** No other person shall remain within thirty feet of said entrance except for the purpose of offering his vote, and voters shall approach and enter the passage in the order in which they appear for the purpose of voting. If any person offering to vote shall be **Challengers.** challenged by one of such challengers or by any one of the election officers his right to vote shall be at once determined by the proper officers and if his vote is refused he shall immediately stand aside and give place to the person next in line and retire without delay from within the thirty feet space around the entrance to the room.

Voters' assistants. SECTION 18. Before opening the election the inspector and judges of each hundred or election district shall select an honest and capable man from each of the two principal political parties who shall occupy a place within the room where the election is being held assigned to them by the inspector and judges. **Duty of voters' assistants.** It shall be their duty when called upon to assist any voter in the preparation of his ballot when from any cause he is unable to do so and to assist any other voter in changing or altering his ballot who cannot read and write or cannot do either in the manner hereinafter prescribed. The persons so chosen shall be called the voters' assistants, and shall be deemed to be election officers, and such persons before entering upon their **Oath.** duties shall take the oath hereinafter prescribed, the said oath to be administered by the inspector.

Admission of voter to election room. SECTION 19. When a voter shall have been passed by the challengers he shall be admitted to the election room. *Provided, however,* that there shall not be in the room at any one time more than one voter for each booth therein. **Number of voters admitted to election room.** On entering the room the voter shall announce his name to the clerks of election who shall register it. The clerk holding the ballots shall deliver to him one ballot and the other clerk shall deliver to him a stamp and both the voters' assistants, on request, shall give explanation of the manner of voting; if deemed necessary, by unanimous consent of the election officers an interpreter may be called. **Ballot and stamp, by whom delivered.** The voter shall then, and without leaving the room, go alone into any of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by stamping the square immediately **Duties of voter.** **Preparing ballot.**

OF ELECTIONS.

preceding their names: *Provided, however,* that if he shall Proviso. desire to vote for all candidates of one party and none other, he may place the stamp on the square preceding the title under which the candidates of such party are printed, and the vote shall then be counted for all the candidates under that title, unless the names of one or more candidates under another title shall also be stamped, in which case the names of the candidates so stamped shall be counted. Any voter Erasures. while in the booth may erase the name of any candidate and substitute the name of any person in any column of the ballot which shall stand in lieu of the original name. Such Alterations and changes How made. alterations and changes in the printed ballot shall be made by pen and ink only. Before leaving the booth or com- Ballots; how folded. partment the voter shall fold his ballot so that no part of the face thereof shall be exposed and so that the initials of the clerks of the election shall be exposed, and on leaving the booth or compartment shall return the stamp to the clerk of the election and deliver the ballot to the inspector or to the judge who may temporarily be authorized to act for the inspector who shall forthwith in the presence of the voter and How deposited. of the other election officers deposit the same in the ballot box; and the clerks of the election shall write the word Duty of clerks. Proviso. "voted" after the name of the voter on the poll list: *Pro- vided, however,* that if any elector shall show his ballot, or any part thereof to any other person after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. The voter shall immediately after voting leave the room and upon his refusal to do so may be ejected therefrom, but no voter No voter to leave the room with ballot and stamp. to whom a ballot and stamp, or either, have been delivered shall be permitted to leave the room without voting the ballot or returning it to the clerk of the election or without returning the stamp to the clerk of the election from whom he received it. Any voter who shall attempt to leave the To be arrested. room with the ballot or stamp in his possession shall be at once arrested on demand of an election officer.

SECTION 20. Not more than one person shall be permitted to occupy any booth at one time; and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than three minutes. No more than one person for each booth in the room other than the election officers shall be permitted to enter or be in the Number of persons in room at one time.

OF ELECTIONS.

Time for voting. election room at any one time, and no voter or person offering to vote shall hold any conversation or communicate with any other person than an election officer while in the election room.

Defaced or mutilated ballots. SECTION 21. Any person who shall by accident or mistake, spoil; deface, or mutilate his ballot may, on returning the same to the clerks of the election and satisfying them that such spoiling defacing or mutilation was not intentional, receive another in place thereof, and such clerk shall make a minute of the facts on the poll lists at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the election officers.

Voters' assistants to prepare ballots, etc. When. SECTION 22. Any elector who declares that by reason of physical disability or inability either to read or write, or both, he is unable to mark or alter his ballot, may call to his assistance the voters' assistants who, in the presence of the elector and in the presence of each other, shall prepare the ballot for voting in the manner hereinbefore provided, and on request shall read over to such elector the names of the candidates as marked or written. Any one making a false declaration under the provisions of this section shall upon conviction be fined in any sum not exceeding one hundred dollars, and any voters' assistant who shall deceive any elector in selecting and marking any ballot, or mark the same in any other way than is requested by said elector shall be guilty of a misdemeanor and, on conviction, shall be fined not less than two hundred dollars nor more than five hundred dollars and may at the discretion of the court be imprisoned for a term not exceeding five years.

What ballots not deposited. SECTION 23. No inspector of election, or judge acting for the inspector, shall deposit any ballot upon which the initials of the clerks of the election as hereinbefore provided for does not appear or any ballot on which appears externally any distinguishing mark, defacement or mutilation.

Penalty for removing or attempting to remove ballots or stamps from room, or having any ballot or stamp outside election room. SECTION 24. Any person who shall remove or attempt to remove a ballot or stamp from the election room, or have in his possession outside of the election room any ballot or stamp, either genuine or counterfeit, during the election, shall be guilty of a misdemeanor, and, on conviction thereof by indictment, shall be fined not less than two hundred

OF ELECTIONS.

dollars and not more than five hundred dollars or may be imprisoned for a term not exceeding two years and not less than one.

SECTION 25. That the election officers, including the voters' assistants, before entering upon the duties of their office shall each take an oath that he will not disclose the name of any voter who may change or alter his ballot or for whom he voted or how he marked his ballot; that he will not in any manner attempt to influence, intimidate, persuade, bribe or coerce any voter in the marking of his ballot or in the making of the choice of the person or persons for whom he votes, and any election officer or voters' assistant who shall violate his oath in any of these particulars shall be guilty of willful and deliberate perjury and upon conviction thereof by indictment he shall in addition to the penalties and disabilities annexed to such crime be fined not more than five hundred dollars and may at the discretion of the court be imprisoned not exceeding two years.

Oaths of
election
officers.

Violation of
oath,
penalty.

SECTION 26. That the Governor be and he is hereby authorized and empowered to appoint three commissioners for each of the counties of this State, one of whom in each county shall be a member of a political party opposite to the one of which the other two are members. It shall be the duty of said commissioners within a reasonable time after their appointment to ascertain as nearly as possible the number of legal voters in each of the hundreds and election districts in their respective counties, outside of the city of Wilmington, and if they shall be satisfied that the voters of any one hundred or election district will not be able to conveniently vote therein at the next succeeding election then the commissioners of the county in which such hundred or election district is located shall divide it into two or more election districts and shall establish the boundaries thereof. They shall also designate the place of holding the election in each of the said newly established election districts and secure the room for the holding of the same. They shall also designate each of said districts by appropriate titles or distinctions. The inspector of such hundred or election district shall be the inspector of the district established by the division aforesaid in which he may reside at the time of the said division and the said commissioners shall appoint for the other newly established district or districts an inspector or inspectors from the party to which the other in-

Governor to
appoint 3
Commis-
sioners for
each county.

Duties of
Commis-
sioners.

Place of vot-
ing in new
election dis-
tricts.

Inspectors.

OF ELECTIONS.

Perform-
ance of
duties,
within what
time.

spector belongs. The duties herein imposed upon the commissioners aforesaid shall be performed by the first day of March, A. D. 1892, and a report of their proceedings certified to the Clerk of the Peace of the proper county. The election districts so established and certified by the Commissioners shall be election districts of the respective counties and shall remain such until altered or changed by law and all the laws applicable to the election districts shall be applicable to them.

What ballots
not counted.

SECTION 27. In the counting of the votes any ballot which is not endorsed with the initials of the clerks of the election as provided in this act, and any ballot which shall bear any distinguishing mark shall be void and shall not be counted, and any ballot or part of a ballot from which it is impossible to determine the elector's choice of candidates shall not be counted as to the candidate or candidates affected thereby; *provided*, however, that such ballots and all disputed ballots shall be preserved by the inspector and at the close of the count placed with the seals of the ballot packages in the box into which the ballots shall have been put when read. The election officers shall also record on the tally list memoranda of such ballots and the condition of the seal of the ballot packages; and in any contest of election such ballot and seals may be submitted in evidence. Immediately on closing the polls all the ballots remaining unvoted or unused shall be counted and destroyed by the election officers of the several hundreds or election districts by totally consuming by fire, and the election officers shall certify the number of ballots so destroyed by them on the respective tally lists.

Proviso.

Disputed
ballots to be
preserved.

Memoranda

Remaining
ballots de-
stroyed, how

Clerks of the
Peace to de-
stroy ballots
left over.

The several Clerks of the Peace shall preserve the ballots left over in their hands after supplying the hundreds and election districts, as hereinbefore provided, until six o'clock P. M. of the day of election, and shall then count and destroy, by totally consuming by fire, all of such ballots but one, which he shall preserve in his office as a record together with his certificate of the number of ballots counted and destroyed by him.

Penalty for
neglect or
refusal of
Clerk of the
Peace to per-
form the
duties under
this act.

SECTION 28. If any Clerk of the Peace or his clerk or any one acting for him shall neglect or refuse to have the ballots and stamps printed and prepared according to the provisions of this act, or shall neglect or refuse to deliver them in time to the parties properly entitled to receive

OF ELECTIONS.

them, or shall neglect or refuse to do or perform any other duty in and about the preparation and distribution of the ballots and stamps required to be done and performed by him by the provisions of this act, he shall be deemed guilty of a misdemeanor and shall be fined not less than one nor more than five thousand dollars and he may in the discretion of the Court be imprisoned for not less than one nor more than five years.

SECTION 29. If any person being an election officer or a voters' assistant shall reveal to any person how any elector has voted or what person or persons were voted for by him on any ballot or give any information concerning the appearance of any ballot voted, such person or persons so offending shall be guilty of a misdemeanor and on conviction thereof by indictment shall be fined not more than five hundred dollars and shall be imprisoned not less than two years and not more than five years.

Penalty for election officers or voters' assistants revealing certain knowledge.

SECTION 30. Any person who shall falsely make or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof; or file any certificate of nomination knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination which has been duly filed or any part thereof; or forge or falsely make the official indorsement of any ballot; or print or cause to be printed any imitation ballot or circulate the same; or conspire with others to do any of said acts, or induce or attempt to induce any other person to do any of said acts whether or not said acts or any of them be committed or attempted to be committed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the discretion of the court not more than five years.

Penalty for falsely or fraudulently destroying, etc., any certificate of nominations

SECTION 31. If any Clerk of the Peace, inspector of election, clerk of election or judge of elections or trusty person or voters' assistant shall willfully violate any of the provisions of this act in the performance of any duty herein imposed upon him for the violation of which no other punishment is herein provided he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than three nor more than five hundred dollars and may in the discretion of the court be imprisoned for a term not exceeding three years.

Penalty for violation of any provisions of this act.

OF ELECTIONS.

Duty of Sheriff.

SECTION 32. The Sheriff shall make the ballot boxes and the tally lists and all other papers to be delivered to the several inspectors conform to the requirements of this act. The inspector or the trusty person for his services in receiving and delivering at the place of holding the election as aforesaid the packages containing the ballots and stamps shall receive two dollars.

Compensation of inspector or trusty person.

Penalty for entering or attempting to enter election room or railing contrary to this act.

SECTION 33. If any person not herein authorized so to do shall enter or attempt to enter the election room, or enter or attempt to enter within the railing leading to the entrance of the election room, or shall remain within thirty feet of the polling place contrary to the provisions hereinbefore made, he shall be guilty of a misdemeanor and on conviction thereof be fined not more than two hundred dollars.

Distinguishing marks on ballot. Penalty for making.

SECTION 34. If any person shall induce or attempt to induce any elector to write, paste or otherwise place on his ballot the name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce electors or any electors to so place any distinguishing mark or name on his ballot whether or not said act be committed or attempted to be committed, such person so offending shall be guilty of a misdemeanor and on conviction be imprisoned for not exceeding two years.

Inducing election officers to violate the provisions of this act.

SECTION 35. If any person shall induce or attempt to induce any election officer to violate any of the provisions of this act whether or not such election officer shall violate or attempt to violate any of the provisions of this act, such person so offending shall be guilty of a misdemeanor and on conviction shall be imprisoned for a term not exceeding five years. It shall be the duty of each inspector to distinctly read this and the preceding section to the election officers at the opening of the polls and each member thereof shall thereupon take an oath that he has not violated and will not violate the provisions of said sections.

Duty of inspector.

Oath of election officers.

Penalty for tearing down or destroying conveniences at voting place.

SECTION 36. Any person who shall during the election remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall during an election remove, tear down or deface the

OF ELECTIONS.

cards printed for the instruction of the voters, or shall, during an election destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts whether or not any such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year.

SECTION 37. The commissioners for dividing the hundreds or election districts shall receive two dollars per day for actual services rendered by them; *provided* that no commissioner shall receive more than the sum of twenty-five dollars. The fees of the commissioners and all necessary costs and expenses incurred by the inspector and Clerks of the Peace in carrying into effect the provisions of this act shall be paid as other county expenses are paid.

Compensation of Commissioners.
Proviso.
Expenses how paid.

SECTION 38. This act shall apply to all municipal elections held in the city of Wilmington except the election to be held on the sixth day of June, A. D. 1891, but it shall not apply to the special election to be held on the third Tuesday in May, A. D. 1891, nor to the election for members of the Board of Education in the city of Wilmington.

To what elections the provisions of this act apply.

SECTION 39. All acts or parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed

Passed at Dover, May 15, 1891.

LAWS OF DELAWARE---VOL. XIX.

CHAPTER 38.

OF ELECTIONS.

AN ACT providing for the Registration of Voters.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Qualifica-
tions of
voters at
general elec-
tions.

SECTION 1. In all elections for Governor, Senators, Representatives, Sheriffs, Coroners, or any other county or State officers, of Representatives in Congress, or of Electors of President and Vice President, every male citizen of the age of twenty-two years and upwards, having resided in the State one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election paid a county tax which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and every male citizen of the age of twenty-one years, and under the age of twenty-two years, having resided as aforesaid, shall be entitled to vote without payment of any tax; *provided*, that no person in the military, naval or marine service of the United States shall be considered as acquiring a residence in this State by being stationed in any garrison, barrack, or military or naval station within this State; and no idiot or insane person, pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector.

Proviso.

Governor to
appoint a
Registrar for
each hun-
dred or elec-
tion district.

SECTION 2. That for the purpose of preventing fraud at such elections and facilitating the ascertainment of those who are duly qualified electors, according to the constitution and laws of the State, the Governor shall, at least six months before every general election, appoint in each hundred, or election district where a hundred is divided into two or more election districts, in this State (outside the city of Wilmington) one capable person, who shall be a voter and resident in the district for which he shall be appointed, to be Registrar for the said hundred or election district. The terms of office of such Registrars shall begin on the third Tuesday of May next after their appointment and shall continue for two years thereafter, or until their successors shall be duly chosen and qualified.

Term of
office.

OF ELECTIONS.

It shall also be the duty of the Governor, when appointing Registrars for the several hundreds or election districts of this State (outside the city of Wilmington), at the same time to appoint in each hundred or election district in the State (outside the city of Wilmington) one capable person, who shall be a voter and resident in the hundred or election district for which he shall be appointed, to be Alternate Registrar for the said hundred or election district. Alternate Registrars.

The term of office of said Alternate Registrar shall be the same as that of the Registrar, and whenever any Registrar provided for by this act shall be incapable from any cause whatsoever of performing the duties required of him by this act, the Alternate Registrar in the same hundred or election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a Registrar, and make all the appointments hereinafter required to be made by the Registrar in certain contingencies. But nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the hundred or election district able and willing and present to act. Term of office of Alternate Registrar. Powers and duties. When Alternate Registrar cannot act.

If any such Registrar or Alternate Registrar shall remove from the hundred or election district for which he shall be appointed, or shall cease to be a voter therein, his office shall thereupon become vacant; and the Governor shall have power at any time to remove from office any Registrar or Alternate Registrar for incompetency, or misconduct, or because disqualified by sickness from performing the duties of his office. Vacancy by removal or disqualification.

If any vacancy or vacancies should occur in the office of Registrar or Alternate Registrar before the expiration of such term, from any cause whatsoever, the Governor shall appoint a suitable person to fill such vacancy or vacancies, who shall serve for the residue of such unexpired term, and shall be qualified in the same manner, possess the same powers and perform the same duties as the original appointee. Governor to fill vacancy.

Each Registrar and Alternate Registrar, before entering upon the duties of his office, shall take and subscribe, before the Clerk of the Peace of the county in which he shall reside, the following oath: Oath of Registrar and Alternate.

OF ELECTIONS.

Form of oath "I, _____, residing in _____ hundred, (or in _____ election district of _____ hundred), in _____ county, do solemnly swear (or affirm) that I will support the Constitution of the United States of America, that I will support the Constitution of the State of Delaware, and that I will perform the duties of the office of Registrar (or Alternate Registrar) for _____ hundred (or _____ election district in _____ hundred), faithfully, honestly, fairly and impartially; that I am a citizen of the United States of America and of the State of Delaware, and am not and will not be a candidate for any office to be voted for by the electors of the hundred (or election district) for which I am appointed Registrar (or Alternate Registrar); and that I am a qualified voter in said hundred (or election district)."

Time within which oath is to be taken

SECTION 3. Each and every person appointed as aforesaid to act as Registrar or Alternate Registrar shall qualify as such Registrar or Alternate Registrar by taking and subscribing the oath prescribed in the preceding section within ten days after being notified of said appointment, and shall perform the duties of the office for the time for which he was appointed, unless he shall become disqualified by sickness or otherwise, or be removed from office as hereinbefore provided. But any Registrar or Alternate Registrar, who shall be appointed to fill a vacancy, shall qualify forthwith. And if any Registrar or Alternate Registrar, who being duly appointed, either for a full term or to fill a vacancy, shall refuse to qualify as aforesaid, or having qualified, shall fail or refuse to perform any of the duties of said office, he shall forfeit and pay to the State a fine of one hundred dollars, upon conviction thereof by indictment in the Court of General Sessions of the Peace and Jail Delivery in the county where such offense is committed.

Penalty for refusal to qualify or failure to perform the duties of office.

Additional powers of Registrars.

SECTION 4. Each of the said Registrars shall in addition to the other powers hereinafter conferred upon him, have, during the respective times of his appointed sittings, the powers of a justice of the peace to preserve order and enforce obedience to his lawful commands at or around his place of registration; to keep access to such place open and unobstructed; to prevent and suppress riots, tumult, violence and disorder at, around or near to his place of registration, tending to intimidation, or to the obstruction of the work of registration, or of the revision of the registration, and to

OF ELECTIONS.

protect and keep safe the registers or books for the registration of voters hereinafter referred to while in his custody and possession. He may compel the presence of witnesses before him, while sitting as Registrar, for all purposes connected with the performance of the duties of his office, by summons and attachment; and shall have power to administer oaths and affirmations. He may, while sitting as such officer of registration, commit for trial any person committing, at or around his place of registration, a breach of the peace, or any offense forbidden by this act. He shall have the power to issue any of said summons, attachments or commitments, when sitting in any hundred or election district in this State (outside the city of Wilmington) to the Sheriff of said county or to any constable thereof. All such process shall be served by said officers in the same manner as if they were issued by a justice of the peace within such county.

The sheriff, or constable, in any county of this State, who shall serve any such process shall receive the same fees and in like manner as it is or may be by law provided that he shall receive fees in other State cases. But no Registrar shall charge or receive any compensation for any service rendered in accordance with the provisions of this section in addition to the compensation or salary provided for in Section 18 of this act.

Sheriff and
Constable,
fees of.

Registrars to
receive no
compensa-
tion under
this section.

SECTION 5. That it shall be the duty of the Governor to cause the following books to be prepared, at the expense of the State, for the use of the said Registrars, for the registration of names and facts required by this act, to wit:

Books of
Registration

First. Two books for each of said Registrars, to be known by the general name of Registers, and to be so arranged as to admit of the convenient entry of the following particulars:

Entries, how
arranged.

First—The name of the person applying to be registered, written in full (or his first Christian name, and also any other name by which he is generally known, written in full, with the initial or initials of any other name or names which he may have in addition thereto);

Second—His color;

Third—His age;

Fourth—The place of his birth;

Fifth—The place of his residence, of street and number if any, and his post-office address;

OF ELECTIONS.

Sixth—The time of his residence in the State, county, and hundred or election district in which he shall apply to be registered;

Seventh—If naturalized;

Eighth—If qualified voter;

Ninth—Date of payment of qualifying tax;

Tenth—May become a qualified voter by payment of tax, or by being naturalized;

Eleventh—If disqualified;

Twelfth—Date of application for registration;

Thirteenth—Remarks explanatory and supplementary.

Nature of Registers.

Such Registers shall be uniform in their general character, shall be ruled in parallel columns, in which, opposite to the name of every applicant shall be entered the words and and figures hereinafter provided for, and shall be of such size as to contain not less than 1500 names. The ruling and the heading in the above described Registers shall be substantially in the form following, to wit:

Form of Registers.

Name.	Color.	Age.	Nativity.	Residence.	TERM OF RESIDENCE.					
					State.					
					County.					
					Hundred or Election District.					
					Naturalized.					
					Qualified Voter.					
					Date of Payment of Tax.					
					May become qualified by payment of tax or by being naturalized					
					Disqualified.					
					Date of Application.					
					Remarks.					

**"Voting
Books of
Qualified
Voters."**

Second. Two books for each of said Registrars to be known by the name of "Voting Books of Qualified Voters," for alphabetical lists of all persons whose names may be entered on the Registers aforesaid as "qualified voters." Said books to be ruled in parallel columns and so arranged as to admit of the convenient entry, in alphabetical order, of the name of every person who may be entered on the Registers aforesaid as a "qualified voter," and in the parallel column opposite the name of such person the following particulars, to wit:

First—His residence;

Second—His color;

Third—His age, if to be between the age of twenty-one and twenty-two years on the day of the next general election.

OF ELECTIONS.

And Third. Two books for each of said Registrars, to be known by the name of "Voting Books of Partially Qualified Voters," or alphabetical lists of every person whose name may be entered on said Registers as one who "may become qualified by the payment of tax, or by being naturalized." Said last mentioned books to be ruled in parallel columns and so arranged as to admit of the convenient entry, in alphabetical order, of the name of every person who may be entered on the Registers aforesaid as one who "may become qualified by payment of tax, or by being naturalized," and in the parallel columns opposite the name of such person the following particulars:

First—His residence;

Second—His color.

SECTION 6. The Sheriff of each county shall, some time in the month of August in the year of holding the general election, deliver to the Registrar of each hundred or election district of his county (outside of the city of Wilmington), the alphabetical list of the names of all the male citizens of the age of twenty-one years and upwards residing and assessed in his hundred or election district, which the said sheriffs are now required by Section 3, Chapter 18 of the Revised Code to deliver to the inspectors of elections, and shall at the same time deliver to each of the said Registrars two of the books known as Registers, two of the books known as "Voting Books of Qualified Voters," and two of the books known as "Voting Books of Partially Qualified Voters," hereinbefore provided for; which said books, addressed to the Registrar of each hundred or election district of the county, the Governor shall cause to be delivered to the sheriffs in each of the counties of this State on or before the first Tuesday in August in the year of holding the general election. And the said sheriffs, when delivering said list and books, shall also deliver to the Registrar of each hundred or election district in his county (outside the city of Wilmington) a stamp of not less than one inch in diameter, so arranged that when applied to a tax receipt it will produce the word "registered," the name of the hundred or election district, and also the day, month and year in letters and figures, and also shall deliver ink of a suitable kind to be used with such stamps. The said stamps shall be so arranged that the date may be changed. And the said sheriff shall procure said stamps and ink at the expense of the county

"Voting
Books of
Partially
Qualified
Voters."

Duty of
Sheriff to de-
liver alpha-
betical list
and books.

Duty of
Governor.

Stamp for
use of Regis-
trar.

OF ELECTIONS.

in which he may be sheriff, to be paid for as hereinafter provided.

Registrars
to mark
books.

SECTION 7. Each of the said Registrars, immediately upon receiving said Registers and "Voting Books of Qualified Voters" and "Voting Books of Partially Qualified Voters," shall endorse upon the back and write at the head of each Register and "Voting Book of Qualified Voters" and "Voting Book of Partially Qualified Voters," delivered to him as aforesaid, the name of the county and the name of the hundred or election district of such county of which he is Registrar, and of which such books shall respectively be the Registers and voting books as aforesaid.

Sittings of
Registrars.

Said Registrars shall sit alone for the purpose of ascertaining and registering the persons who are or may become qualified to enjoy the right of an elector at the next general election, at such public and suitable places in their respective hundreds or election districts as will, in their judgment, be most convenient for the voters of their several hundreds or election district, from eight o'clock A. M. until six o'clock P. M., with an intermission from twelve till one o'clock, on four successive Saturdays, beginning with the first Saturday in the September next preceding the general election. Each of said Registrars, at least ten days prior to his first sitting, as aforesaid, shall give public notice, by advertisement, posted in ten or more of the most public places in his hundred or election district, of the places where he will sit alone for the registration of voters as aforesaid, and the day or days when he will sit at each of said places. His proceedings shall be public and open to free inspection without any obstruction, but he may exclude or eject from the room any person behaving in a disorderly manner, and he may employ a clerk or clerks.

Hours of
sitting.

Times of
sitting.

Notice.

Proceedings

Duty of Reg-
istrars when
sitting.

SECTION 8. It shall be the duty of the said Registrars, when sitting at the times hereinbefore specified for the purpose of ascertaining and registering the persons who are or may become qualified to enjoy the right of an elector at the next general election, to do and perform the several matters and things following, to wit:

What facts
to record.

First. Each of them severally shall record in his Registers in the column headed "name" the name of every male person who shall personally appear before him and apply to be registered (writing his surname and first Christian name in full, and also any other name by which he is generally

OF ELECTIONS.

known, with the initial or initials of any other name or names which he may have in addition thereto, the surname being written first). And the names of said applicants for registration shall be numbered consecutively in the order of their application, the number being entered on the Register in figures immediately before each name.

Second. In the column headed "color" he shall enter his color; and after making proper inquiries and examination he shall enter

Third. In the column headed "age" the age of the applicant.

Fourth. In the column headed "nativity" he shall enter the state, territory or country in which the applicant states he was born.

Fifth. In the column headed "residence" he shall enter his place of residence and post-office address.

Sixth. In the proper subdivision of the column headed "term of residence," how long he has resided in the State, how long in the county, and how long in the hundred or election district in which he applies to be registered.

Seventh. In the column headed "naturalized" the words "yes" or "no," or "native," as the fact shall appear.

Eighth. In the column headed "qualified voter," if the Registrar shall be satisfied, upon examination or otherwise, that the applicant for registration is at that time a qualified voter, or by arriving at the age of twenty-one years, or by acquiring the residence required by the Constitution in this State and county by the next following general election will become a qualified voter at said election in the hundred or election district in which he applies to be registered, he shall write his name in full as written in the first column.

Ninth. In the column headed "date of payment of tax" he shall enter the day, month and year on which he has paid a county tax within two years next before the next following general election.

Tenth. In the column headed "may become qualified by payment of tax, or by being naturalized," if the Registrar shall be satisfied, upon examination or otherwise, that the applicant for registration possesses all the constitutional qualifications of an elector, except that of the payment of a county tax as prescribed by the Constitution, he shall write

Conditional
qualifica-
tions.

OF ELECTIONS.

his name in full, as written in the first column, and a line shall be heavily drawn in ink opposite his said name in the column headed "qualified voters."

And if the applicant shall not at the time he applies to be registered have paid the county tax prescribed by the Constitution as one of the qualifications of an elector, and shall not have then resided within the State or county in which he applies to be registered the time required by the Constitution as one of the qualifications of an elector, but will have acquired such residence by the day of the next general election, the said Registrar shall write his name in full in the column headed "may become qualified by payment of tax, or by being naturalized," and a line shall be heavily drawn in ink opposite to his said name in the column headed "qualified voters."

And if the applicant, not being a native born citizen of the United States, shall not at the time he applies to be registered have been naturalized, but will be entitled to be naturalized by the day of the next general election, and possesses all the other qualifications of an elector, the Registrar shall write his name in full in the column headed "may become qualified by payment of tax, or by being naturalized," and a line shall be heavily drawn in ink opposite to his said name in the column headed "qualified voters."

And if the applicant, not being a native born citizen of the United States, shall not at the time he applies to be registered have been naturalized and shall not at that time have paid the county tax prescribed by the Constitution as one of the qualifications of an elector, but will be entitled to be naturalized by the day of the next general election, and possesses all the other qualifications of an elector, or will possess them by the day of the next general election, the said Registrar shall write his name in full in the column headed "may become qualified by payment of tax, or by being naturalized," and a line shall be heavily drawn in ink opposite his said name in the column headed "qualified voters."

Disqualifi-
cation.

Eleventh. In the column headed "disqualified," if the Registrar is satisfied, upon examination or otherwise, that the applicant for registration is disqualified as an elector in the election district in which he shall apply to be registered, a line shall be heavily drawn in ink opposite his said name in the column headed "qualified voter," and the cause of

OF ELECTIONS.

his disqualification shall be briefly stated in the column headed "disqualified" opposite his name as first recorded, and a line shall be drawn across his name as first entered, but in such manner that said name shall remain legible.

Twelfth. In the column headed "date of application" he shall enter the day of the month and year on which application for registration is made.

Thirteenth. In the column headed "remarks" he may enter such facts or statements as he may deem pertinent to the qualification or disqualification of the applicant as an elector.

In making the entries hereinbefore specified, the Registrar shall in every case make such entries in the columns above specified opposite the name of the applicant to whom such entries are intended to apply.

If any Registrar should be in doubt, after the primary examination of the applicant for registration, and upon such evidence as may be immediately obtainable whether such applicant is a qualified elector, he may postpone his determination of the matter to his next sitting, or to a later sitting, at the request of the applicant; but such postponement shall not be in any case to a day later than the last day when the said Registrar sits alone for the purpose of registration as aforesaid.

SECTION 9. When any Registrar, at any of the sittings hereinbefore provided, shall enter in his Register the name of any applicant for registration as a qualified voter, he shall immediately thereafter enter, in the presence of such applicant if he remains in attendance, in its proper alphabetical place in the "Voting Book of Qualified Voters," hereinbefore provided for, the name of such applicant, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two on the day of the next following general election. And when he shall enter in his Register the name of any applicant for registration as one who "may become qualified by payment of tax," as hereinbefore provided for, he shall immediately thereafter enter, in the presence of such applicant if he remains in attendance, in the proper alphabetical place in the "Voting Book of Partially Qualified Voters," hereinbefore provided for, the name of such applicant, and also his residence and color.

OF ELECTIONS.

And the Registrar shall also give to each person who is registered either as a qualified voter or one who may become qualified, and who may request it, a certificate to the following effect:

Certificate of
Registration “ ——— Hundred (or ——— Election District in ———
Hundred), ——— county, State of Delaware.

Dated, ——— day of ———, 18—.

I do hereby certify that ——— has this day been registered as a qualified voter (or one who may become qualified) in the hundred (or election district) above mentioned, and that his number on the Registers is number ———.

Signed _____

Registrar for ——— Hundred (or ——— Election District in ——— Hundred).”

Printed
copies of
registration;
how, when
and where to
be posted.

Each of said Registrars shall, within one week after his last sitting in September, as aforesaid, cause to be printed not less than fifty copies of the alphabetical list of qualified voters as contained in the “Voting Book of Qualified Voters,” together with the entries opposite the names in said books; and not less than fifty copies of the alphabetical list of those who “may become qualified by payment of tax, or by being naturalized,” as contained in the “Voting Books of Partially Qualified Voters,” together with the entries opposite the names in said books; and shall, within the said week, cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in his hundred or election district, and shall use the remaining copies in such manner as in his judgment will be most likely to secure publicity and general inspection.

Board of
Registration

SECTION 10. In addition to the Registrars hereinbefore provided for, there shall be in each hundred or election district a “Board of Registration,” which board shall be composed of the Registrar for the hundred or election district, that one of the two persons who shall be chosen in the manner hereinafter provided to serve as judges of election in said district at the next following general election who shall not be of the same political party as the Registrar, and the inspector of said hundred or election district. The two persons associated with the Registrar shall be known as Associate Registrars. The said Registrar shall be the presiding officer of the Board, and as such presiding officer he shall have and possess all the powers conferred upon him by Section 4 of this act, and in his absence either of said asso-

Associate
Registrars.
Presiding
officer.

OF ELECTIONS.

ciates shall have and possess all the powers which said presiding officer would have and possess if present.

The said Board of Registration shall sit from eight o'clock A. M. until six o'clock P. M., with an intermission from twelve till one, on the three Saturdays immediately preceding the Saturday next before the general election, at the place where the following general election will be held, or at some convenient and suitable place in the town or village in which such election will be held.

The Registrar shall produce and have before said Board of Registration, at all its sittings, the alphabetical list delivered to him by the Sheriff, as provided in Section 6 of this act, and also the Registers and the voting books containing the alphabetical lists of "qualified voters" and the voting books containing the alphabetical lists of "partially qualified voters," made by him as hereinbefore provided.

It shall be the duty of the said Board, at its sittings, to enter upon the said Registers the names of all persons applying to be registered who have omitted to make such application before the Registrar when sitting alone, and also the names of all persons who may have applied to the said Registrar, but whose names were not entered by him as required by this act.

It shall be the further duty of the said Board to correct on the Registers any mistakes which may have been made by the Registrar in any entry therein, either as to the name, or as to any other statement of fact; *provided, however*, that no correction shall be made upon the Registers except upon the personal or written application of the person in relation to whom such correction is made, or after written notice to him.

It shall also be the duty of said Board, upon the personal application of any person who shall have been entered on the Registers by the Registrar as "a disqualified voter," and who may consider himself aggrieved thereby, to inquire into the matter, and if the said Board, after a hearing and examination, shall determine that such person has been improperly entered as a disqualified voter, the said Board shall enter his name anew in the Register, and shall also make opposite the name in the several columns the entries required to be made in other cases of applicants for registration adjudged qualified; and in the column headed "remarks," opposite his name when written anew, the said Board shall enter the words "adjudged qualified on revision by the Board," or "may be-

OF ELECTIONS.

come qualified by payment of tax," or "by being naturalized," or both, as the case may be, and the date when his qualification was determined as aforesaid.

Illegal registration.

Upon the affidavit of a legal voter in an election district, made before any person authorized by the laws of this State to administer oaths, and presented to the Board of Registration, that in his opinion any person is illegally registered in such election district as a qualified voter, or as one who may become qualified by payment of tax, and setting forth the reasons therefor, it shall be the duty of the said Board to examine into the matter of the registration of such person, and if said Board deem it a proper case for a hearing, notice shall be given to such person, either in person or in writing, as is hereinafter provided, to appear before the Board at its next sitting to show cause why his name should not be stricken from the voting books of "qualified" or "partially qualified voters" (as the case may be) of such election district. And, if upon examination and inquiry said Board shall be satisfied, at its sitting at which such person had notice to appear, that he is not a qualified voter, or one who may become qualified by payment of tax, or by being naturalized, or both, a heavy line shall be drawn in ink through his name as written in the column headed "qualified voter," and a line shall be drawn through his name as first entered, but in such manner that said name shall remain legible, and the causes of his disqualification shall be briefly stated in the column headed "disqualified," and in the column headed "remarks," opposite his said name, shall be written the words "adjudged disqualified on revision by the Board," and the date when his disqualification was ascertained as aforesaid.

Board of Registration clothed with the powers of Registrar.

It shall be the duty of said Board, at the time of entering in the Registers the names of any persons not entered by the Registrar at his sittings alone, to do and perform the same matters and things and to make the same entries in the Registers which the Registrar is required by Section 8 of this act to do and perform and make when any person applies to him to be registered. And it shall also be the duty of the said Board, when they shall enter in the Registers as a "qualified voter," or as one who "may become qualified by payment of tax, or by being naturalized" the name of any applicant to said Board for registration, immediately thereafter to enter, in the presence of such applicant if he remain in attendance, in its proper alphabetical place in the "Voting

OF ELECTIONS.

Books of Qualified Voters," or in the "Voting Books of Partially Qualified Voters," (as the case may be) the name of such applicant, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two years on the day of the next following election.

It shall also be the duty of said Board to enter in the proper voting books in its proper place any corrections which the said Board may have made in the Registers as to the name, residence or color of any person whose name may be in said voting books. Whenever the said Board shall enter in the Registers the name of any person as a "qualified voter," or as one who "may become qualified by payment of tax, or by being naturalized," who has been entered by the Registrar as a "disqualified voter," it shall be the duty of the said Board immediately to enter, in the presence of such voter if he shall remain in attendance, in its proper alphabetical place in the "Voting Books of Qualified Voters," or "Voting Books of Partially Qualified Voters," (as the case may be) the name of such voter, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two years on the day of the next following general election.

Whenever the said Board shall have adjudged any person to be disqualified as a voter, whose name had been upon the Registers as a "qualified voter," or one who "may become qualified by payment of tax, or by being naturalized," and shall have made the necessary corrections on the Registers, as aforesaid, it shall be the duty of said Board immediately thereafter to strike his name from the alphabetical list where his name may appear in said voting book by drawing a heavy line in ink through his said name and all entries opposite his name. And the said Board may employ a clerk or clerks.

SECTION II. If any person registered as a qualified voter, or one who may become qualified by payment of tax in any hundred or election district in this State, shall, after he is so registered, remove from the county in which he is so registered to any other county in this State, he may apply in person to the Registrar or Board of Registration of the hundred or election district in which he is registered and have his name stricken from the Registers and from the Voting Books in which his name shall appear, and may obtain from said Register or Board of Registration a certified copy of the

Duties of
Board in
making en-
tries.

Names
stricken
from list.

Clerk.

Concerning
the removal
of qualified
voters.

OF ELECTIONS.

entries in the Registers relating to him, together with a certificate that his name has been stricken from the Registers and Voting Books, as aforesaid; and it shall be lawful for him, after his name shall be so stricken from said Registers and Voting Books, to cause himself to be registered in the hundred or election district of the county to which he may have removed, upon producing the aforesaid certificate and copy of entries in said Registers, provided that by the next following general election he will have acquired in the county to which he has removed the residence required by the Constitution. And the Registrar or Board of Registration to whom such person may apply to have his name stricken from the Registers and Voting Books shall draw a line in ink through his name and all the entries opposite to his name in said Registers and Voting Books, and in the column in the Registers headed "remarks" shall enter "removed from this county into _____ county," and shall prepare and deliver to him the certified copy of entries and the certificate aforesaid.

Name to be
stricken
from Regis-
ter and Vot-
ing Books.

Stamping of
tax receipt.

SECTION 12. The said Registrars when sitting alone, or any member of the said Board of Registration, when sitting for the purpose of registration as aforesaid, may require any person applying to be registered as a qualified voter to produce his tax receipt, and if such person be registered as a qualified voter, the said receipt shall be immediately stamped with the word "registered," the name of the hundred or election district, and also the day, month and year of registering, in letters and figures, by means of the stamps provided for in Section sixth of this act.

Quorum of
Board of
Registration

Proceedings
public.

Oaths of As-
sociate Reg-
istrars.

SECTION 13. At every sitting of said Board two shall constitute a quorum, and the acts of a majority of said Board shall be as valid as the acts of all of them. Their proceedings shall be public and open to free inspection without any obstruction, but they may exclude or eject from the room any person behaving in a disorderly manner.

Each of said Associate Registrars, before entering upon the duties of his office, shall take and subscribe the oath prescribed in Section two of this act for the Registrar, except that the words "Associate Registrar" shall be substituted for the word "Registrar." Which oath may be administered to the Associate Registrars by the Registrar, or by any Justice of the Peace or Notary Public in the county where such Associate Registrar may reside.

OF ELECTIONS.

In all cases where written notice is required by this act to be given to any person, such notice shall be deemed sufficient if addressed to the person to be notified at the post-office named by him at the time of his application for registration and deposited in the mail not later than the Wednesday next preceding the sitting of the Board at which he may be notified to appear. Notice, what sufficient.

SECTION 14. In order to fix and ascertain the persons who are to be the associate officers of registration, it shall be the duty of the inspector of each hundred or election district in this State (outside the city of Wilmington), and also of the person who at the election for inspector next previous received the next highest number of votes for said office, on some day in the month of September next preceding the general election, to choose respectively the two judges of the said election, as is required to be chosen by them respectively by Section 11 of Chapter 18 of the Revised Code; and shall respectively, during the said month of September, notify the said persons of their appointment in writing, and shall also, in the said month of September, give notice, in writing, to the Registrar of the hundred or election district of the persons so chosen. Selection of associate officers of registration. Notice of selection.

If either the said inspector, or the person who at the election for inspector next previous received the next highest number of votes for said office be dead or removed from the county, or shall fail or neglect, from any cause whatsoever, to choose a judge of election in the said month of September, as hereinbefore required of them, or shall fail or neglect to give the notices hereinbefore required to be given by them to the persons so chosen by them respectively to the Registrar, or if either of the persons designated in Section 10 of this act as those who shall be associated with the Registrar as associate officers of registration shall fail or neglect to take the oath required of them by Section 11 of this act, or from any cause whatsoever shall fail to appear and act at any of the sittings of the said Board of Registration, then and in that event it shall be the duty of the said Registrar immediately to appoint another person to act as Associate Registrar, who shall be of the same political party as the person in whose place he is appointed shall be or would have been. Vacancies in office of Associate Registrars.

The person or persons appointed by the Registrar, as aforesaid, shall take and subscribe the oath hereinbefore prescribed for the Associate Registrars, shall possess and have Oath, powers and duties of Associate Registrars.

OF ELECTIONS.

the same powers as, and perform the same duties hereinbefore required of Associate Registrars until the person who may have been originally chosen shall have qualified and shall appear and enter upon the duties of the office to which he was originally chosen or appointed.

Board of
Registration
to compare
Register, etc

SECTION 15. It shall be the duty of the said "Board of Registration," immediately after the close of their last sitting, carefully to compare the two Registers and see that they agree with each other in every particular, and also to compare the two alphabetical lists of "qualified voters" and the two alphabetical lists of those who "may become qualified by payment of tax, or by being naturalized," or both, as contained in the voting books aforesaid, with the said Registers, and to see that the name of every person entered on the Registers as a "qualified voter" is entered in its proper alphabetical place on each of the two lists of qualified voters, together with the residence, and color, and also the age, if to be between the ages of twenty-one and twenty-two years on the day of the next general election, as entered on the Register; and also to see that the name of every person entered on the Registers as one who "may become qualified by payment of tax," or "by being naturalized," is entered in its proper alphabetical place on each of the two lists of those who "may become qualified by payment of tax," or "by being naturalized," or both, in the voting books of "partially qualified voters," together with the residence and color, as entered on the Registers. And if any name in the Registers which ought to have been entered on either of said alphabetical lists shall have been omitted therefrom, it shall be the duty of said board to enter such name in its proper alphabetical place on the proper alphabetical list, together with the proper entries as they appear on the said Registers.

Shall enter
names im-
properly
omitted.

Corrections
on list.

And it shall be the further duty, in such comparison of the alphabetical lists with the Registers, to make such corrections on the alphabetical lists as will make the names and entries appearing on the alphabetical lists agree with the same names and entries as entered on the Registers.

Certificate of
the Board of
Registration

It shall also be the duty of the said Board of Registration, within three days after their last sitting, to append to each of said alphabetical lists of "qualified voters" contained in said "Voting Books of Qualified Voters" a certificate, verified by the oath or affirmation of the members of said

OF ELECTIONS.

board, or at least two of them, that the said "Voting Book of Qualified Voters" contains a complete list of the qualified voters of said hundred or election district, as the same are entered in the Registers of voters of such hundred or election district.

And shall also, within the three days aforesaid, append to each of said alphabetical lists of those who "may become qualified by payment of tax, or by being naturalized," contained in the "Voting Book of Partially Qualified Voters," a certificate, verified by oath or affirmation, as aforesaid, that the said "Voting Book of Partially Qualified Voters" contains a complete list of those persons "who may become qualified by payment of tax, or by being naturalized," as the same are entered in the registers of voters of such hundred or election district. Certificate.

And the members of said Board shall, within the three days aforesaid, also append to the Registers of their respective hundred or election district a certificate that each of said Registers is the official Register of such hundred or election district, and, so far as is within their knowledge, no false or improper entries have been made therein. Which certificate shall be made and verified by at least two members of said Board. Certificate of correctness of entries.

And it shall be the duty of the Registrar, within one day thereafter, to deliver to the Sheriff of the county in which he is an officer of registration one of said Registers, certified to as aforesaid, and one of said "Voting Books of Qualified Voters," certified to as aforesaid, and one of said "Voting Books of Partially Qualified Voters," certified to as aforesaid, together with the alphabetical list which shall have been delivered to him by the said Sheriff, as hereinbefore provided. Registrar to deliver Registers, etc., to Sheriff.

And the other of said Registers, together with the other of said "Voting Books of Qualified Voters" and the other of said "Voting Books of Partially Qualified Voters," together with any other papers or documents relating to the registration of voters, and the stamps provided for by this act, he shall retain in his possession and safely keep, but the same shall at all proper times be open to the inspection of any one desiring to examine the same without fee or reward, and also any one desiring to do so may be permitted to make copies or partial copies of any of said lists, books, documents or papers. Registrars to keep one of the Registers, etc.

OF ELECTIONS.

In event of
loss of Reg-
isters, etc.,
by Sheriff.

And if the Registers or Voting Books delivered to the sheriff, as aforesaid, should be lost or destroyed, the duplicates in the possession of the Registrars may be called for and used, in the place of those lost or destroyed, at the general election.

To deliver
to Clerk of
the Peace.

And within one week after the following general election he shall deliver the same to the Clerk of the Peace of the county in which he resides, who shall safely keep the same in his office, and the same shall be open to public inspection at all convenient times as other public records in the office of said Clerk of the Peace.

Sheriff to de-
liver Regis-
ters, etc., to
Inspector.

SECTION 16. It shall be the duty of the sheriff of each county, within three days after the said Registers, Voting Books and lists shall have been delivered to him, as provided in the next preceding section of this act, to deliver the same to the inspector of the hundred or election district of the county to which such Register, Voting Books and list shall apply. And it shall be the duty of the inspector to have the same at the place of election before the opening of the polls on election day.

Duty of
Inspector.

Who shall
not be al-
lowed to
vote.

SECTION 17. The inspector shall not at any election receive or deposit in the ballot-box the ballot of any person offering to vote until his name shall have been found in the list of "qualified voters," as contained in the "Voting Book of Qualified Voters," or in the list of those who "may become qualified by payment of tax, or by being naturalized," or both, as contained in the "Voting Book of Partially Qualified Voters," delivered to him for the purposes of said election, and the judges, or a majority of them, shall be satisfied that the person so offering to vote is the person named in said list; and if his name shall have been found in the "Voting Book of Partially Qualified Voters" they shall be further satisfied that the person offering to vote has paid the tax required by the Constitution, and, if not a native born citizen of the United States, has been legally naturalized. And he shall receive and deposit in the ballot-box the ballot of every person offering to vote whose name appears in the "Voting Book of Qualified Voters," or whose name appears in the "Voting Book of Partially Qualified Voters," and who at the time he offers to vote shall have paid the tax required by the Constitution, and, if not a native born citizen of the United States, has been legally naturalized, unless such vote shall be objected to; but no objection to the vote of any per-

Who shall
be eligible to
vote.

OF ELECTIONS.

son whose name shall have been found on either of said voting books shall be entertained or considered by the judges of the election except for the following reasons, to wit:

First. That he is not the person whose name appears in said voting books. Exceptions.

Second. If his name appears in the "Voting Book of Partially Qualified Voters" that he has not paid the tax required by the Constitution of this State, or, if not a native born citizen of the United States, that he has not been legally naturalized since he was registered.

Third. That he has become disqualified as a voter since he was registered; and

Fourth. That he was improperly registered at the last sitting of the Board of Registration as a "qualified voter," or as one who "might become qualified by payment of tax, or by being naturalized."

If a vote be objected to for any of the reasons above mentioned, its admission or rejection shall be determined according to the opinion of a majority of the judges. Objection to votes. How determined.

It shall be the duty of one of the judges of the election to write the word "voted" against the name of any person voting on the alphabetical list in the voting book in which his name appears, which was certified to by the Board of Registration and delivered by the sheriff to the inspector as aforesaid, instead of upon the alphabetical list certified to by the Clerk of the Peace, as is now provided by Section 18, Chapter 18 of the Revised Code. Duty of judges of election.

SECTION 18. Each inspector shall, on the Thursday next succeeding the day of the general election, deliver into the office of the Clerk of the Peace of his county the oaths or affirmations that shall have been signed by the inspector and judges of the election in his hundred, or election district where a hundred is divided into two or more election districts, and the certificates of said oaths or affirmations having been administered, to be made and signed as directed in Section 13, Chapter 18 of the Revised Code; and the two lists of the polls kept at the election, as directed in Section 18, Chapter 18 of the Revised Code; the alphabetical list certified to by the Clerk of the Peace; the Register aforementioned, and the "Voting Book of Qualified Voters," and the "Voting Book of Partially Qualified Voters," certified to by the Board of What Inspector shall deliver to Clerk of the Peace.

OF ELECTIONS.

Registration as aforesaid, with the notes of "voted," as the same shall have been made on each of said last mentioned books on the day of the election; all of which shall be filed in the office of the said clerk, and shall be public records, and as such admissible as evidence.

Compensation of Registrar.

SECTION 19. Each Registrar shall receive five dollars per day for each day of actual sitting, either alone or as one of the Board of Registration, and fifteen dollars additional for all other services to be performed by him under this act.

Compensation of Alternate Registrar.

And each Alternate Registrar shall receive five dollars per day for each day of actual sitting in the place of the Registrar, either alone or as one of the Board of Registration, and also such additional compensation as may be determined by the Levy Court of the county in which he shall reside for any other service that may be performed by him under this act; *provided* that such additional compensation shall in no event exceed the sum of fifteen dollars; *and provided further*, that the amount of such additional compensation shall be deducted from the amount of the Registrar's additional compensation.

Proviso.

Compensation of Associate Registrars.

And each Associate Registrar shall receive five dollars per day for each day of actual sitting on the Board of Registration.

How paid.

It shall be the duty of the Levy Court in each of the counties of this State, at its November session, to ascertain the amount of compensation under this act due the Registrars, Alternate Registrars, and Associate Registrars in their respective counties, and when so ascertained, the president of the said Levy Court shall certify the same to the State Treasurer, who shall thereupon pay to the persons entitled the sums severally due them out of any money belonging to the State not otherwise appropriated.

All necessary expenses; how paid.

The cost of printing and posting the alphabetical lists contained in the voting books aforesaid, and of printing and mailing the notices required by this act, and the rent of the room or rooms used by the said Registrars and Boards of Registration in performance of the duties required by this act, the cost of printing any forms or blanks that may be required, and the cost of the necessary stationery used by them, and also the stamps and the ink to be used with the same, provided for by this act, shall be paid by the Levy Courts of the respective counties upon proper vouchers.

OF ELECTIONS.

The cost of the books provided for in Section 5 of this act shall be paid by the State Treasurer on warrants drawn on him by the Governor.

SECTION 20. If any Registrar, Alternate Registrar, or Associate Registrar, shall fraudulently enter, or fraudulently permit to be entered, in any Register, or in any list of "qualified voters," or in any list of those who "may become qualified by payment of tax, or by being naturalized," the name of any person as a qualified voter, or one who "may become qualified by payment of tax, or by being naturalized," who is not entitled to be entered therein as a "qualified voter," or as one who "may become qualified by payment of tax, or by being naturalized," or both, or if any other person not authorized by the proper officer of registration shall enter in any Register, or in any "Voting Book of Qualified Voters," or in any "Voting Book of Partially Qualified Voters," the name of any person as a "qualified voter," or as one who "may become qualified by the payment of tax, or by being naturalized," or both; or if any Registrar, Alternate Registrar, or Associate Registrar, shall fraudulently refuse or omit to register, or shall fraudulently misspell in any Register, or in any "Voting Book of Qualified Voters," or in any "Voting Book of Partially Qualified Voters," in his charge, the name of any person entitled under the provisions of this act to have his name entered in such Register or "Voting Book of Qualified Voters" or "Voting Book of Partially Qualified Voters," or if any Registrar, Alternate Registrar, or Associate Registrar, shall fraudulently strike from any Register or from either of said voting books in his charge the name of any person entered therein; or if any other person not authorized by the proper officer of registration shall strike from any Register or from any voting book the name of any person entered thereon; or if any Registrar, Alternate Registrar, or Associate Registrar, shall make any entry or entries in the said Registers, or said "Voting Books of Qualified Voters" or "Voting Books of Partially Qualified Voters," except at the times and in the manner hereinbefore provided; or if any Registrar, Alternate Registrar, or Associate Registrar, shall do anything which is by this act forbidden to be by him done, or shall omit to do anything which is by this act required to be by him done, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not exceeding five hundred dollars, or be im-

Registration officers making fraudulent entries, or failing to perform duties under this act.

Penalty.

OF ELECTIONS.

prisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Disqualified
voters caus-
ing or at-
tempting to
cause them-
selves to be
registered.

Intimidation
threats, etc.

Assaults,
riots, etc.

Penalty.

SECTION 21. If any person shall cause or attempt to cause himself to be registered in the name of any other person, living or dead, or under any fictitious name, or shall cause or attempt to cause himself to be registered in any hundred or election district in this State, knowing that he has not the right to be registered; or if any person, knowing himself to be registered in any hundred or election district in this State shall cause or attempt to cause himself to be registered in any other hundred or election district in this State without having first caused his name to be stricken from the Registers and voting books in which he may have been previously entered; or if any person, knowing himself to be disqualified as a voter at the next following general election, shall cause or attempt to cause himself to be entered on the Registers in any hundred or election district in this State as a "qualified voter" therein, or as one who "may become qualified by payment of tax, or by being naturalized," knowing that he is not at that time a qualified voter and will not become so by the next following general election; or if any person shall by force, threat, menace, intimidation, or other unlawful means, prevent or hinder any person having a lawful right to have his name entered on the Registers in any hundred or election district in this State, from duly exercising such right, or shall compel or attempt to compel, by any such means, any Registrar, Alternate Registrar, or Associate Registrar, to enter on his Registers the name of any person not legally entitled to be entered therein, or shall unlawfully interfere with any Registrar, Alternate Registrar, or Associate Registrar, in the discharge of his duties under this act; or if any person shall make any assault or commit any assault and battery, or incite or create any riot or any breach of the peace at or near to any place of registration in this State, during the sitting of any Registrar, Alternate Registrar, or Board of Registration, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

SECTION 22. If any Clerk of the Peace, Sheriff, Registrar, Alternate Registrar, Associate Registrar, inspector, or

OF ELECTIONS.

judge of election, shall loose any Register or Voting Book which may be in his charge or custody, or if any of such officers or any other person shall willfully destroy, mutilate, deface, falsify, or fraudulently remove or secrete any Register, or Voting Book, or shall knowingly make any false entry in, or false copy of any Register or part or any Register, or shall fraudulently make any entry, erasure or alteration in any alphabetical list of qualified voters, as contained in any "Voting Book of Qualified Voters," or in any alphabetical list of those who "may become qualified by payment of tax, or by being naturalized," contained in any "Voting Book of Partially Qualified Voters," he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Destruction, mutilation, erasure or alteration of Registers or Voting Books.

Penalty.

SECTION 23. If any person shall mutilate, deface, pull down or destroy, at any time before the last sitting of the Board of Registration, any printed copy of the "alphabetical list of qualified voters," or any printed copy of the alphabetical list of those who "may become qualified by payment of tax, or by being naturalized," when the said lists are posted and hung up as provided in Section 9 of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one hundred dollars, or imprisoned not exceeding one year, or may be both fined and imprisoned at the discretion of the Court.

Mutilation, destruction or pulling down alphabetical list of qualified voters.

Penalty.

SECTION 24. In any case of a special election held in this State, it shall be the duty of the several Boards of Registration, hereinbefore provided for, to sit on the two Saturdays immediately preceding the Saturday next before the day of such special election, from eight o'clock A. M., until six o'clock, P. M., with an intermission from twelve till one, at the place where the following special election will be held, or at some convenient and suitable place in the town or village in which such election will be held; and at such sittings to add to the Registers or Voting Books aforesaid of their respective hundreds or election districts the names of all persons applying to them who may have become qualified to vote since the day of the last gen-

Special election.

Time of sitting.

Place.

OF ELECTIONS.

eral election, or who may become qualified to vote by the day of such special election.

Duty of Board of Registration And it shall be the duty of such Boards of Registration, in adding any new name, to make the same entries in the Registers and Voting Books aforesaid as they are hereinbefore required to make when sitting as a Board of Registration before any general election. And said Boards of Registration shall have the same powers and do and perform the same matters and things as when sitting as a Board of Registration before any general election. And any vacancy or vacancies in any of said Boards of Registration shall be filled as hereinbefore provided.

Powers.

Vacancy.

Board of Registration to procure Registers, etc. The said Boards of Registration, within one week before their first sitting as provided for in this section, shall procure from the Clerks of the Peace of their respective counties the two Registers and the two "Voting Books of Qualified Voters" and the two "Voting Books of Partially Qualified Voters," which shall have been delivered to the Clerks of the Peace as hereinbefore provided.

Duty of Clerks of the Peace. It shall be the duty of the Clerks of the Peace in the several counties to deliver said books to the said Boards of Registration when the same shall be applied for as aforesaid.

Delivery of books. In delivering one of the Registers and one of the "Voting Books of Qualified Voters" and one of the "Voting Books of Partially Qualified Voters" to the Sheriff, to be by him delivered to the inspectors as hereinbefore provided, it shall be the duty of said Boards of Registration to deliver the Register and the "Voting Book of Qualified Voters" and the "Voting Book of Partially Qualified Voters" which were not used at the previous general election. And the other of said Registers, and the other of said "Voting Books of Qualified Voters," and the other of said "Voting Books of Partially Qualified Voters," shall be delivered by the several Registrars to the Clerks of the Peace of their respective counties within one week after such special election.

Special elections. At every special election the same provisions of law in this act contained as to voting and challenging and entering the word "voted" after the names of those who may vote, shall apply, as at a general election.

OF ELECTIONS.

SECTION 25. All acts and parts of acts inconsistent with or superseded by the provisions of this act are hereby repealed. And this act shall not apply to the City of Wilmington.

Inconsistent
acts repealed

Not applica-
ble to Wil-
mington.

SECTION 26. It shall be the duty of the Secretary of State to cause to be printed and prepared in pamphlet form five hundred copies of this act; and when the Registrars provided for in this act shall have been appointed by the Governor, it shall be the duty of the Secretary of State to send to each Registrar three of said pamphlets, one for his own use and the other two for the use of his Associate Registrars. And the Secretary of State shall also send one pamphlet to each Alternate Registrar appointed by the Governor.

Secretary of
State to
print in
pamphlet
form 500
copies; to
whom sent.

The cost of printing and preparing the pamphlet copies of this act shall be paid in the same manner as is now provided by law for the payment of the printing of the laws passed at each session of the Legislature.

Printing,
how paid for

Passed at Dover, May 13, 1891.

LAWS OF DELAWARE--VOL. XIX.

CHAPTER 39.

OF ELECTIONS.

AN ACT to provide for the Registration of Voters in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That for the purpose of preventing fraud at all elections held on the Tuesday next after the first Monday in the month of November, as provided by Section 1 of Article 4 of the Constitution of this State, and facilitating the ascertainment of those who are duly qualified electors according to the constitution and laws of this State, there shall hereafter in the city of Wilmington be a general registration of all the qualified voters resident in each election district in said city at the times hereinbelow provided and then only on Saturday of the fourth week, on Saturday of the third week and on Friday and Saturday of the second week next preceding the day of each and every such election. That for each and every election, other than such as above designated, except municipal elections and elections for members of the Board of Education, held in said city there shall be a revision of the general registration had as provided in this act, which revision shall be made on the second Saturday next preceding the day of each and every such election.

General registration of qualified voters in the City of Wilmington.

SECTION 2. That, in the month of August in the year 1891, on or before the tenth day thereof, the Governor of the State of Delaware shall appoint three persons of said city, who shall constitute a Department of Elections for said city, with full power to act as such for the terms of two, four and six years from the date of their appointment, or until their successors shall be duly appointed. At the first meeting of the said board said members of said Department of Election shall determine their terms by lot, and shall certify the result to the Clerk of the Peace for New Castle County, who shall carefully preserve the same; and the said result, or a copy duly certified by the said Clerk of the Peace under his hand and seal of office, shall be evidence in all the

Governor to appoint 3 persons to constitute a Department of Elections.

Term, how determined.

OF ELECTIONS.

Term of office. courts of this State or elsewhere. At the expiration of the term of the said member who shall draw the shortest term, and biennially thereafter, the place of the retiring member shall be filled by appointment by the Governor of the State of Delaware, for the term of six years. No person shall be eligible to appointment as a member of said Department who shall not be a citizen of the United States of America, and be a qualified voter of and resident in said city for the term of five years next preceding his appointment. No member of said Department of Elections shall hold or be a candidate for any other State or county office during his membership in said Department, nor until the expiration of six months after he shall have ceased to be a member of said Department of Elections. When any vacancy occurs in said department, by or from any cause whatsoever, the Governor aforesaid shall fill the unexpired term by appointment, but at no time shall all the members of said department be of the same political faith and opinion. Each of said members shall, before entering upon his duties, and within one month from the time of his appointment, take and subscribe and file in the office of the Clerk of the Peace aforesaid an oath or affirmation that he will perform the duties of his office with fidelity and impartiality. The persons so named shall meet and organize said Department of Elections by this act constituted by selecting one of their number to be president, whose term of office shall continue for two years from the date of his appointment, when and biennially thereafter the said Department of Elections shall select one of their number to be president. Each member of the Department of Elections shall receive as a compensation for his services the annual salary of five hundred dollars: *Provided*, that no salary or compensation shall be paid in any year in which no general or special election is held.

Qualifications. Members cannot be candidates for office. Vacancies, how filled. Oath of office. Organization. Compensation. Proviso.

Duties of Department of Elections. SECTION 3. The duties of the members of the Department of Elections shall be as follows:

Election Districts. 1. They shall, on or before the first day of September next preceding the time of the first registration held under the provisions of this act, and in every sixth year thereafter, on or before the first day of September, divide the city into as many election districts as they shall deem necessary. *Provided* that each election district shall contain as near as may be no more than three hundred, nor less than one hundred, qualified voters. *And provided further*, that each of

Proviso.

OF ELECTIONS.

said districts shall be entirely within the boundaries of one ward. And on or before the first day of September, A. D. eighteen hundred and ninety-four, and biennially thereafter, said Department of Elections may divide such of the districts, and such only as by the registration of voters last preceding such division shall be found to have had a registration of more than three hundred voters, but in any such division of any such district one portion of the district shall retain the original numerical designation and the other portion shall take the number following the highest numbered district in the ward in which such new districts are situated.

Division of
districts.

2. They shall designate and appoint a place of registry and polling place in each election district in the city, and shall, not less than two weeks prior to the first day of any registration or revision of registration, provided for in this act, advertise, by posters or handbills, posted in five of the most public places in each district, the number and boundaries of the districts in which they are posted, the time and place of holding the next registration and election in such district, the officers to be voted for at such election, and at the places so designated all elections shall be held and the work of registration performed; and the said Department of Elections shall hire all such places and cause the same to be fitted up, warmed, lighted and cleaned, but in such election district such place shall be in the most public, orderly and convenient portion of the district, and no building or part of a building shall be designated or used as a place of registry or polling place in which, or in any part of which, spirituous or intoxicating liquor is or has been sold within sixty days next preceding the time of using the same.

Place of
Registry.

Notice.

Furnishing
of rooms for
registration.

Intoxicating
liquors.

3. They shall cause to be prepared books for the registration of names and facts required by this act; said books to be known by the general name of Registers, and to be so arranged as to admit of the entry of the names of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto, and if there be no number, under such definite description of the location of the dwelling place as shall enable it to be readily ascertained, found and located; of the names of all male persons, resident in each dwelling in each of said districts, who shall apply for registration. Such Registers shall be ruled in parallel columns, in which, opposite to and against the name of every applicant, shall be entered the words and figures hereinafter provided in this

Books for
registration.

Contents.

Form of
Registers.

OF ELECTIONS.

act, and shall be of such size as to contain not less than four hundred names, and so prepared that they may be used at each election in the said city until such time as in this act provided for the succeeding registration, and shall on the inside be in appearance and form as follows, to wit:

Form of inside of Registers.

Residence.	Room-Number.	Name.	Sworn.	Nativity.	Color.	TERM OF RESIDENCE		Naturalized.	VOTERS.		Date of Application.	Why Disqualified.	Date of Erasing Name.	Voted November.	Voted.	Challenged.	Remarks.
						County.	State.		Qualified.	May become qualified.	Disqualified.						

Necessary conveniences and supplies, etc

4. They shall prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks and instructions for the use of the inspectors of election, provide for the furnishing of such officers therewith and with all necessary supplies, and also a copy of this law for their guidance. They shall have and retain the custody of all registers, tally lists, books, maps, forms, oaths of office and of removal, blanks, instructions, and all other records and supplies of every other kind or description pertaining to the Department of Elections provided for in this act.

Power to dismiss election officers.

5. They shall have power to dismiss any election officer at any time and supply his place with another person. They may also employ a clerk and such other assistants as in the judgment of the members of said department shall be necessary and proper for the faithful performance by the department of the duties by this act imposed; *provided* the expense thereof shall not exceed fifteen hundred dollars in any one year, which said sum shall not include the compensation of members of the Department of Elections, inspectors, and poll clerks, to be paid as provided in this act.

May make or have made copies of names, residences, etc., of male persons dying in the city.

6. They shall from time to time and at all times, and at least once in each and every year in which an election is held, have full power and authority to make or cause to be made such full, complete and accurate copies, as they shall deem necessary, of the records of the names, residences, age

OF ELECTIONS.

and cause of death of each male person who shall die in the city, as the facts in respect to such death shall be furnished to the Register of Births, Deaths and Marriages for the city, and shall keep, preserve and file all such copies of such records; and it shall be the duty of the Department of Elections, in each year in which an election is held, to cause to be delivered to each inspector of election in each election district in the city, on or before the first day of registration, an alphabetical record of all male persons twenty-one years of age and upwards who, in the district in which the said inspector is to serve, have died since the last election. Such records shall be known and designated as the record of death; and it shall be the duty of each inspector of election in each election district, upon the receipt of such record, to securely attach the same to the inside of the register in his custody to the end that it may be preserved, and upon the receipt of the same each inspector shall examine the register in his custody as to the name of every person upon said register, who, by said record of deaths, shall by a coincidence in respect to said names and facts appear to have deceased, and opposite to and against every such name to enter in the column headed "why disqualified" the word "dead," in the column "date of erasing name" the month, day and year of such erasing, and in the column headed "remarks" the words "stricken from the register," adding against each such entry made in the column of remarks the initial letters of the name of the inspector making such entry, and through the name of every such person stricken from the register, and then only, shall draw a line indicative that such name is erased from the register of that election district.

To deliver
such list to
inspectors.

Inspector to
strike off
such names
from his list.

7. They shall furnish the inspectors of election in each election district with the hereinafter named election machinery to be furnished as follows.

(a.) Two boxes of a size sufficient in their judgment to receive the ballots in the respective districts, and of such character and workmanship as will insure safety and fairness in elections; in the lid of one of the boxes shall be a hole sufficient only to admit with convenience one ballot; and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole and shall also be furnished with a lock and key and so constructed as to be secured with tape and sealing wax.

(b.) Stamps which, when applied to tax receipts on

OF ELECTIONS.

registration days, will produce the word "Registered," the number of the district, and also the day and year of registration in letters and figures, and when applied to tax receipts, on election day, will produce the word "Voted," the number of the district, and also the day and year of voting in letters and figures.

To appoint inspectors and poll clerks and fill vacancies.

8. They shall, hereafter, appoint all inspectors of elections and poll clerks for elections in said city, and shall also make all necessary removals and transfers of election officers and fill all vacancies which from any cause may occur.

Appointment of inspectors.

Qualifications.

Proviso.

Examination and qualification.

9. They shall, in the month of August, in each year in which a general election is held, select for each election district, to serve as inspectors of election, three persons, who shall be citizens of the United States of America and of the State of Delaware, of good character, able to read, write and speak the English language understandingly, qualified voters in the city, and not candidates for any office to be voted for by the electors of the district for which they shall be selected, two of whom shall be of different political faith and opinion from their associates; *provided*, that the total number of inspectors in each ward shall be divided as equally as possible between the different political parties; and those appointed to represent the party in political minority to be named solely by such member or members of the Department of Elections as is or are the representative or representatives of such political minority; and no person who shall have served as inspector at any registration shall be a candidate at the election for which such registration was held. Every person so selected to be an election inspector shall, on receipt of notice thereof, appear within ten days thereafter, before said department, for the purpose of examination, and if found qualified shall, unless excused by the department by reason of ill-health or other good and sufficient cause, be bound to serve as such officer at every registration and election for the term for which he is appointed, and shall take the following oath of office, which oath may be administered by any member of the Department of Elections:

Oath of office.

I, _____ residing at No. _____ in the city of Wilmington, do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Delaware, and that I will faithfully discharge the

OF ELECTIONS.

duties of the office of inspector of election for the _____ election district of the _____ ward of the city of Wilmington, according to the best of my ability, and that I am a citizen of the United States and of the State of Delaware, a qualified voter in the city of Wilmington and not a candidate for any office to be voted for by the electors of the district for which I am appointed.

In case of refusal or neglect on the part of any person so selected to be an election inspector to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable by said department by civil action in any court of record in the name of the "President of the Department of Elections of the City of Wilmington," and for the use and benefit of New Castle county; and the failure on the part of any such person to present himself for examination within the time prescribed, or to comply with any of the requirements of this act preliminary to receiving his certificate of appointment or to attend on the day of any registration or the day of any election during his term, unless prevented by sickness or other sufficient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal within the meaning of this act. The Department of Elections shall deliver a certificate of appointment to whomsoever shall be nominated, approved and sworn into office by it as an inspector of elections, said certificate to be in such form as shall be prescribed by such Department of Elections, specifying the election district in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The inspectors of election appointed under the provisions of this act shall respectively hold office for the term of two years unless sooner removed for want of requisite qualifications, or for cause; in either of which cases such removal, unless made while the inspectors are actually on duty on a day of registration or election and for improper conduct as an election officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. Any person appointed to fill any vacancy shall serve for the unexpired term of the person whose office he is appointed to fill. The neglect or refusal of any person so appointed as inspector as aforesaid to appear and qualify as an inspector within the time herein prescribed shall be deemed to create a vacancy in said office.

Penalty for neglect or refusal to comply with requirements.

What shall constitute refusal under this act.

Certificate of appointment.

Term of office.

Removal.

Vacancy.

What constitutes a vacancy.

OF ELECTIONS.

Poll clerks. 10. They shall appoint as poll clerks two persons of different political faith and opinion and possessing the other qualifications of inspectors of elections required by this act, who shall be in all respects similarly named, selected, notified, examined, appointed, commissioned and sworn as in this act required for the appointment of inspectors in and for such election districts. Said poll clerks shall hold office for the same period of time and upon the same conditions as are above prescribed for inspectors of election, and shall receive a like certificate of appointment. In case of refusal or neglect on the part of any person so selected to be a poll clerk to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable in the same manner and for the same use as the penalty above provided in case of refusal or neglect on the part of an inspector of election.

Qualification.

Term of office.

Penalty for refusal or neglect to comply.

Vacancies how filled. Whenever, from any cause, there shall exist a vacancy in the office of inspector of election or poll clerk, a person appointed to fill such vacancy shall be named by such member, or such of the members of the department or his successor or their successors as named the inspector or poll clerk in whose place any such person is designated. Inspectors of election and poll clerks appointed in pursuance of the provisions of this act shall be entitled to receive three dollars for each day's service at any registration or election, such compensation not to exceed in the aggregate the sum of fifteen dollars; *provided*, that the inspector whose duty it shall be to attend the meeting of the board of canvass shall receive the additional sum of three dollars as a compensation for said attendance. The said compensation shall be paid on the certificate of the president of the Department of Elections, as to the period of service, but no payment shall be made to any person as inspector of election or poll clerk who shall not have taken, subscribed and filed the oath or affirmation required therein, and who shall not, during the period of his service have fully complied with all the requirements of law in anywise relating to his duties; and the acting of any such person in either of said capacities, without having taken, subscribed and filed the said oath or affirmation, shall be deemed to be a misdemeanor and punished as such. Inspectors of election and poll clerks, during the time they hold such office, shall be exempt from the performance of military and jury duty, and no person who, by the law of this State, is exempt from

Compensation.

Proviso.

How paid.

Oath, failure to take or comply with.

Exemption from certain duties.

OF ELECTIONS.

jury duty, shall be required to serve as an inspector or poll clerk under this act.

SECTION 4. The inspectors of election appointed pursuant to the provisions of this act shall, at the times in this act designated for registration, meet in their respective election districts at the places which, as provided in this act, shall be designated therein for such meeting, and at such times in each election district the said inspectors of election shall openly and publicly do and perform the following acts, viz:

1. They shall organize as a board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting, the chairman shall be selected by lot. Inspectors to meet and perform the following acts.
2. They shall receive and enter upon their several registers the application for registration of all male persons who shall personally present themselves. Organization.
3. They shall remain in session on each of said days and on each of the days for revision of registration from between the hours of eleven and twelve o'clock in the forenoon and seven o'clock in the afternoon. Application.
4. They shall examine all persons who personally apply as to their qualifications as electors, and shall each, in a separate book, immediately and in the presence of the applicant enter in the Register, to be made and furnished as provided in this act, the statements and facts below set forth and in the manner following, viz: Session.

First—Under the column “residence” the name and number of the street, avenue, or other location of the dwelling, if there be a number, and if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined; and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides; and if there be more than one family residing in said house, either the floor on which he resides (every floor below the level of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second or such other floor, as it may be), or the number or location of the room or rooms occupied by the applicant and whether front or rear. Examination of all persons applying for registration.

OF ELECTIONS.

- Name.** Second—Under the column "name" the name of the applicant, giving the surname and Christian name or names in full, and also any other name by which he is generally known, with the initial or initials of any other name or names which he may have in addition thereto, the surname being written first; but the names of all persons residing in the same dwelling to follow each other and to be under the street and house number or other description, as provided of the dwelling.
- Sworn.** Third—Under the column "sworn" the word "yes" or "no," as the fact shall be.
- Nativity.** Fourth—Under the column "nativity" the state, county, kingdom, empire, or dominion, as the fact shall be stated by the applicant.
- Color.** Fifth—Under the column "color" the word "white" or "colored," as the fact may be.
- Term of residence.** Sixth—Under the subdivision of the general column "term of residence" the period by months or years stated by the applicant in response to the inquiries made for the purpose of ascertaining his qualifications and filling such column.
- Naturalization.** Seventh—Under the column "naturalized" the word "yes" or "no," or "native," as the facts shall appear.
- Qualified or disqualified.** Eighth—Under one of the columns "qualified," "may become qualified," or "disqualified," as the fact shall appear and be determined by at least two of the board of inspectors of election, the name in full of the applicant, and through the remaining two of said three columns and opposite to his name a heavy line in ink; it being however required to designate as qualified voters all persons who at the time of application appear in all respects to be duly qualified under the constitution and laws of the State of Delaware to vote at the next ensuing election; and any male citizen of the age of twenty-one years and under the age of twenty-two years, having resided within the State one year next before the election and the last month thereof in the county where he may offer to vote; and to designate as persons who may become qualified all such as are not at the time of application but may, under the constitution and laws aforesaid, be entitled to vote before the closing of the polls on the day of said next ensuing election; and as persons disqualified all such who under the constitution and laws aforesaid are not at the time of application and cannot, before the closing of

OF ELECTIONS.

said polls on the day of the next ensuing election as aforesaid, be entitled to vote, and under the column "why disqualified" briefly the ground or reason of such disqualification. *Provided* that any applicant marked upon any day of registration or revision of registration as "disqualified" shall, upon any succeeding day of registration, or upon the day of election next succeeding such day of registration or revision of registration, be entitled to be heard; and if he shall produce evidence satisfactory to the board of inspectors that he was, on the day of his first application, improperly adjudged disqualified, they shall enter his name as one of an original applicant, writing his name in the column "qualified," or "may become qualified," as the case may be; and shall strike out the previous entry of his name from the registers by drawing a heavy black line in ink through the same, and opposite thereto, in the column headed "remarks," enter the word "reconsidered," together with the date thereof and initials of the name of the inspector making the same.

Ninth—Under the column "date of application" the month, day and year when the applicant presented himself. Date of application.

SECTION 5. On the days and at the times in this act designated for any revision of any general registration, the duly qualified inspectors of election shall meet in their respective election districts, at the places which, in accordance with the requirements of this act, shall have been provided for such meetings, and shall openly and publicly do and perform the following acts, namely: each and every of the duties and requirements set forth in sub-divisions one and three of Section 4 of this act. They shall in each election district receive the applications for registration of all such male persons whose names are not then borne upon the registers thereof as qualified voters therein as shall personally present themselves, and who, on the day of election next ensuing, would be entitled to vote therein; and as to all applications made to them shall proceed in the manner provided in sub-division 4 of Section 4 of this act; *provided*, that if, upon examination, as in this act provided for, of any applicant for registration it shall appear that he has, since the last day of any general registration of voters or revision thereof in the said city of Wilmington, moved into or become a resident of said election district, the said inspectors shall inquire from whence such applicant removed or came; and if it shall appear that such removal was from a place

Inspectors to meet in their respective election districts to perform certain duties.

Applications

Proviso

OF ELECTIONS.

within the said city or State, they shall inquire if, in the election district in which he resided at the time of the last preceding general registration (naming such time), or in which he has resided at any time subsequent thereto, he has been registered, or has applied for registration; and if he state that he has not, then the said inspectors shall proceed with said application as with that of any other person who may apply to them, but if he shall state that he has been so registered, the said inspectors shall, before further proceeding, require him to present to them a certificate of removal, as provided for in this act, so that his name shall not be upon the registers of two election districts, and upon the presentation to any board of inspectors of any certificate of removal, the said board shall treat the person presenting the same in the manner provided in sub-division 4 of Section 4 of this act for applicants for registration.

Removal of
voter from
registration
district.

SECTION 6. Any person who shall at any time, as provided in this act, have applied to the inspectors of election in any election district of said city of Wilmington for registration, and shall have, in the registers thereof, been entered as a qualified voter, and who shall, at any time prior to the close of any revision of registration, have removed from the dwelling place under which he shall as a resident be borne upon the registers, may, upon any day provided in this act for meetings of the inspectors of election, other than the day of any election, personally appear before the said inspectors in the election district in which he resided at the time his name was entered upon the said registers, during the hours in this act provided for their sessions for such revision, and, if challenged, shall publicly take and subscribe before one of said inspectors the following oath or affirmation, which shall be known as an oath of removal:

Oath of vo-
ter removing

"I, _____ residing in the _____ election district of the city of Wilmington, do solemnly swear (or affirm) that I, duly entered in the registers of said election district from said residence as a qualified voter, have removed my place of residence to number _____ in the _____ election district of the city of Wilmington, and I do hereby request that the proper entries be made as the same are provided for by law, and that a certificate of removal be furnished me at this time."

Upon such oath or affirmation being made and subscribed as herein provided, it shall be the duty of the said inspec-

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tors to carefully preserve the same. And upon such application, (or in case of challenge) upon any such person so taking and subscribing said oath of removal, the said inspectors of election, if satisfied of the identity of the person making the same with the person he claims to be as the description of said last mentioned person shall appear on the register, and if not satisfied therewith, shall at once, by any one whom said board shall specially authorize, make an examination and inquiry at the place of residence of such person, as the same shall be entered upon the registers, as to the fact of the removal of such person from said dwelling place, when, if his removal therefrom shall be found by the report of such person to be a fact, shall immediately proceed to strike from said registers the name of such person by entering in each of the registers, opposite to and against the name of any such person, and in the column headed "Why Disqualified," the word "Removed;" in the column headed "Date of Erasing Name," the month, day and year of such striking from said registers such name; and in the column headed "Remarks," the words "Transferred to," together with the number of the election district to which such person shall, in his oath of removal, state he has removed, and the initial letters of the name of the inspector who shall in each of said registers make such entries; and shall, through the name of any such person, as the same shall appear on said registers, and there only, draw a line as indicative that such name is erased from the registers of that election district, and the name of any such person so found stricken and erased from said registers shall, as to his name and residence at the place in said registers entered under the column of "Residence," be thereafter considered by the Department of Elections, all inspectors of election, and all other election officers, to be stricken from the registers of that election district, and shall be treated as if never entered thereon. If the dwelling place to which any such person shall have removed be within the boundaries of the same election district as was his former residence, as stated in the registers of said election district, the said inspector shall, in said registers, under the number or other description of the dwelling place to which such person has removed, enter his name, and in the several columns opposite and against the same, such words and figures as prior to the striking from or erasing the name of such person in the manner in this section above provided, where in the

Duty of
inspector in
case of
removal.

OF ELECTIONS.

columns similarly headed and opposite to and against the name of each person as upon said registers it appeared under the dwelling place from which he shall have declared he has removed; and if the dwelling place to which any such person shall have removed shall be within the boundaries of any other election district than was the residence under which he was previously entered on said registers, the said inspectors of election shall fill up, sign and deliver to such person a certificate, which shall be known as a certificate of removal, and shall be in the words and figures following, to wit:

"CERTIFICATE OF REMOVAL.

Certificate
of removal.

"Polling place of the _____ election district in the city of Wilmington, _____ 189—.

"To the board of inspectors of election _____ election district: This is to certify that the name of _____ heretofore residing at _____ in this election district, has been by us, the inspectors of election in this district, stricken from the registers of this district and the proper erasures made upon the oath of removal, and at the request of said above-mentioned person, and that upon the registers of this election district were entered as to him the following statement:

Name	Color
Residence	Term of Residence
Sworn	State
Nativity	County
	Naturalized
	Date of Application

Stamping
tax receipt.

SECTION 7. The said inspectors shall immediately upon entering the name of an applicant upon the register require him to present his proper tax receipt, and shall stamp said receipt presented by him with the word "registered," the number of the district, and also the day and year of registering in letters and figures.

Certificate
of inspectors.

SECTION 8. The said inspectors shall, in each election district, at the close of each day of registration or revision of registration, in a place to be provided therefor in each of

OF ELECTIONS.

the Registers required in this act, fill up, date, and each sign a certificate, which shall be either printed or written, and shall be in the words and figures following, to wit:

"We, the undersigned, inspectors of election in the _____
district of the _____ ward of the city of Wilmington, do
jointly and severally certify that at the registration of voters
held in the said election district on the _____ day of _____
in the year _____, there were registered by us as
qualified voters in the said election district the names which
are entered in this book as of said day, and that the number
of such registered and qualified voters was and is _____ and
that there were also registered by us as persons who may be-
come qualified to vote before the time of the close of the
polls in the said election district, on the day of the next
ensuing election, the names which are entered in this book
as of said day, and that the number of such was and is _____
,"

Form of
certificate.

SECTION 9. The said inspectors shall, in each election district on each day of registration and revision of registration, before adjourning, enter in a book prepared for that purpose, which shall be known as a public copy of the registers, all such names and residences, and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided in this act. And the whole four books shall, on each of said days after the completion of such copy of the registers, be carefully compared throughout, so that each of the registers and the copy thereof shall in every respect agree with each other, and contain the name and residence of each person who shall have applied for registration and the facts respecting him, as the same shall have been stated by him and entered in the registers, as provided, in this act. The said inspectors shall, on the last days of any registration and revision of registration, certify the said copy in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of such registration or revision of registration shall leave it suspended in the place where such registration was conducted, where it shall be and remain until the day of the next ensuing election, to the end that the same may be inspected and copied by any elector; but on the day of such election the said inspectors shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, re-

Duty of
inspectors.

Comparing
of registers.

Certification
of copy of
registration.

Custody of
copy.

OF ELECTIONS.

turning it to the Department of Elections, as provided in this act for the return of the register kept by him; and shall within the same time deliver to the Department of Elections, to be filed in their office, one of the registers made by them, and the other two registers in each election district shall be retained and carefully preserved by the inspectors.

Proviso. *Provided* that the inspector who is of different political faith and opinion from his associates shall retain the possession and custody of the register made by him for the use of himself or his successor in office (if such there be) at the next election.

Department
of Elections
to compare
Registers,
etc.

SECTION 10. The Department of Elections shall have the right and it shall be their duty to carefully examine and compare with each other the several registers required by Section 9 of this act to be filed in their office, and when it shall appear by any data in their possession that any person has registered in more than one election district, they shall, upon due inquiry, strike his name from the register of any or all election districts in which he is not a qualified voter, and to and against his name under the column "why disqualified," in such register or registers, state the reason therefor, and shall, on the morning of the day of the next election, between the hour of seven o'clock a. m. and the time prescribed for opening the polls, deliver to the inspectors in each election district, at the polling place therein, the register made by the inspector of such district and so corrected by the Department of Elections; and it shall be the duty of the inspectors in each election district to be present at said polling places at or before the hour of seven o'clock a. m., and there remain until the polls are closed and their duties at such polling places are at an end. After receipt of the corrected register from the Department of Elections and before the hour of election they shall carefully compare it with the other registers and the public copy of the registers of the said election districts and make them agree in all respects with said corrected register, so that at the hour of the election all three of the registers at each election district and the public copy thereof shall in all respects agree.

Time of de-
livery of
Register to
Inspectors.

Duty of
Inspectors.

To compare
Registers of
election dis-
trict.

Inspectors
to have Reg-
isters at poll-
ing place.

SECTION 11. The inspectors of election in each election district shall, on the day of any election therein, have with them at the polling place in said district the registers provided for in this act. They shall each make use of one of said registers for guidance on said election day and no

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vote shall be received from any person whose name shall ^{Voting.} not be found, by at least two of them, to be upon two, at least, of the said registers, as a qualified voter, or as one who may become qualified, and who at the time of offering to vote has perfected his qualifications as an elector under the constitution and laws of this State. The chairman of ^{Chairman to announce name.} said inspectors in each election district shall, if present, and if absent, then one of the other inspectors shall, upon any person offering to vote, announce in a loud, clear and distinct manner the name as given of such person; and no ballot shall be received by any of the inspectors or deposited ^{Who shall vote.} in the ballot-box until at least two of said inspectors shall, as hereinabove provided, have examined and found the name and residence of such person and have declared the same, and that such person is entered as a qualified voter, or as one who may become qualified. When, if the vote of ^{Entries.} the said person is received, each of the inspectors shall, in the register made by him, in the appropriate sub-division of the column bearing the heading "Voted," and opposite to the name and residence of such person,* the word "Yes." And one of them shall immediately stamp his tax receipt with the word "Voted," and the number of the election district, also the day and year of voting in letters and figures. It shall be the duty of each of the inspectors to ^{Entries of illegal votes received.} note on the said register in his possession, in a suitable and separate part thereof the name and residence of each and every person, if any, whose vote shall in his opinion be received in contravention of the provisions of this section or the constitution and laws of this State, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot-box any such vote; and it shall further be the duty of each of the inspectors, immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within twenty-four hours after the ^{Register to be delivered to Department of Elections.} completion of the canvass of the votes cast in the election district in which they serve, each inspector shall leave his register at the office of the Department of Elections, where it shall be filed and preserved; and in no election district in this city shall any inspector who has custody or charge of any of the registers, in this chapter provided for, ever permit said register to leave his possession (except it be the one filed in the Department of Elections, as provided in

* So enrolled.

OF ELECTIONS.

this act) from the time of receiving custody of the same until he shall file the same, as provided in this section, save in the event of his resignation or removal, and the appointment, as provided in this act, of his successor, when he shall promptly surrender and turn over the same to him.

Challenges. SECTION 12. Any person applying to register, or offering to vote, or who is registered, may, on any day of registration or of election, be challenged by any qualified voter in the city, and any one of the inspectors of election in any election district in the city of Wilmington may at any such time or times, and one of them shall administer to any person so challenged the following oath or affirmation:

Oath of voter challenged. "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, age, your qualifications as an elector, and your right as such to register (or to vote) under the laws of this State."

Witness. And may also administer to any person who may be offered as a witness to prove or disprove the qualification of any person claiming the right to be registered, or to vote, the following oath or affirmation:

Oath of witness. "You do solemnly swear (or affirm) that you will fully and truly answer all questions as shall be put to you touching the place of residence and other qualifications as an elector of the person (name to be given) now claiming the right to be registered as a voter (or to vote as the case may be) in this district."

Challenges. SECTION 13. Any person who is a qualified voter in the city may, upon the day of registration, or of election, require the name of any registered person to be marked for challenge, and on such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to the correctness of their registers.

Party challengers. SECTION 14. At every election held under the provisions of this act each political party shall have the right to designate, place and keep a challenger at each place of registration and voting, who shall be assigned such position immediately adjoining the inspectors of election and upon the inside of the window as will enable him to see each person as he offers to register or to vote, and who shall be protected in the discharge of his duty by the inspectors of election. Each political party may remove any challenger appointed

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by it, and all vacancies which, from any cause, shall arise shall be filled by the same party, power and authority as conferred the original appointment. Removal or vacancies of challengers.

SECTION 15. The poll clerks at each poll in any such city shall keep, in ink, a poll list in books, to be prepared and furnished for that purpose, which shall contain a column headed "name of voter," a column headed "residence," and a column headed "remarks." Duty of poll clerks.

SECTION 16. The poll books referred to in the preceding section shall be in the form as follows: Poll books.

ELECTION DISTRICT.			<small>Form of poll books.</small>
RESIDENCE.	NAME OF VOTER.	REMARKS.	
.	.	.	
.	.	.	
.	.	.	
.	.	.	
.	.	.	

The name of each elector voting shall be entered by each poll clerk in the column of his poll list headed "name of voter," and the residence of each such elector in the column headed "residence," and in the column of "remarks," opposite the name of each person challenged, shall be noted the oath or oaths offered and taken by any such person. Entries in poll books.

SECTION 17. In each election district in the city it shall be the duty of the inspectors of election, immediately after the close of the polls on the day of any such election, before proceeding with the canvass of the ballots in the box, and while the poll clerks are canvassing their books, to write, in ink, opposite to and against the name of each person entered in their registers who is not shown by said Register to have voted, and in the column headed "Voted," in the appropriate sub-division thereof, the word "no," so that the said column may be fully filled up, and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day, and when they have made comparison and ascertained such fact, the chairman of the board of inspectors, or, in his absence, the inspector acting as such shall announce the same in a loud voice. Entries by inspectors. Announcement by chairman.

OF ELECTIONS.

Duty of
officers after
the closing
of election.

SECTION 18. From and after the closing of the poll of an election and until the conclusion of the proceedings of the board of canvass, at the courthouse in the county, as provided by law, after the day of election, the canvass, tally, and certification of the result, shall proceed and be to all respects in accordance with the existing laws of this State; the chairman of each board of inspectors, as constituted by this act, performing the duties required by law of an inspector, and the other two inspectors the duties required of judges of election.

Absence of
inspectors,
how remedied.

SECTION 19. If at the time for opening any registration, revision of registration or any election, the inspectors or a majority of them be not present at the place of registration or election, the voters there may, without ballot, by plurality, choose a person to supply the place of every such absent inspector, but the inspector or inspectors so chosen shall be of the same political faith and opinion as the person or persons for whose place or places he or they may be chosen to fill; and if, at the time aforesaid, either or both of the poll clerks be not present at the place of election, the inspectors shall choose the person or persons to fill the place or places of such absent clerk or clerks; *provided*, that the person or persons so chosen shall be of the same political faith and opinion as the person or persons for whose place or places he or they may be chosen to fill. When any person shall be chosen to fill the place of an absent inspector or poll clerk, he shall, before entering upon his duties, take and subscribe the oath as provided in Section 3 of this act; and a blank form of said oath shall be printed or written in the back of the register provided to be furnished to the inspectors of election under this act. The failure of an election officer appointed by the Department of Elections to appear and enter upon the performance of his duties at the time or times prescribed in this act for any registration, revision of registration or election, shall constitute a vacancy, and the person or persons selected under the provisions of this section to fill any or all such vacancies shall hold office for the unexpired term or terms of his or their predecessors, under and subject to all the provisions of this act respecting the same.

Absence of
clerks.

Proviso.

Persons appointed to
fill vacancies

What shall
constitute a
vacancy.

Placing of
ballot box.

SECTION 20. Every ballot-box shall be so placed at a window or elsewhere that the voters depositing any ballot, and each challenger, may conveniently see every ballot received by the inspectors and deposited in the ballot-box. No

OF ELECTIONS.

screen or other obstruction to such view of any ballot-box by Screens.
the voter or challenger shall be allowed.

SECTION 21. The said Department of Elections may rent Office for
some suitable and convenient place in the said city, and fit Department
up the same for an office for the use of the said Department of Election.
of Elections at a yearly rental not to exceed three hundred
dollars.

SECTION 22. No person who is registered in one election Registering
district shall register or cause himself to be registered in more than
another district. once.

SECTION 23. For all power, authority, and duties in this Majority of
act prescribed for or conferred upon and all actions required inspectors
of inspectors of election, save where such authority or action must concur
is specifically allowed to any of said inspectors, the concurrence in all ac-
rence or assent of a majority of all the inspectors of election tions, etc.
in any election district must in all cases be obtained.

SECTION 24. No person shall be required to serve as an Inspector
inspector of election for two successive terms. required to
serve but
one term.

SECTION 25. The several inspectors of election, and poll Election
clerks, in this act named and created, are and shall be in all officers.
courts and proceedings deemed and held respectively to be
election officers; and it shall be the duty of the said inspec-
tors of election, and poll clerks, respectively, or a majority of Attendance
said inspectors, to be in constant attendance during the hours of election
and times fixed for the discharge of their several duties. officers.

SECTION 26. Any inspector of election, poll clerk, or any Duty of
challenger, appointed in compliance with the provisions of election offi-
this act, shall at any time between the first day of registration cers to make
or revision of registration, as required by this act, preceding canvass of
any election and ten days after the official declaration and canvass of
certificate of the result of any such election, have full power election dis-
and authority to make a thorough and effective canvass of trict.
the election district in and for which he has been or was
designated to serve and act upon any day of registration, or
revision of registration, or election, and to make full inquiry
respecting any and every resident of any dwelling, building,
or other place of abode in any such election district, his
age, term of residence, and qualifications as a voter; but the
power and authority by this section conferred upon any in-
spector of election, poll clerk, or challenger, shall wholly

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cease upon his resignation or removal from the office or position to which he was appointed, or for which he was designated.

Powers and duties of inspector of election while holding election.

SECTION 27. The inspectors of election in each election district, while discharging any of the duties imposed upon them by this act, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the time of any registration or revision of registration, election or canvass, estimate or return of votes, to keep the access to such places open and unobstructed; to prevent and suppress riots, tumult, violence, disorder and all improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration or voting, or the canvass estimate or return of votes, and to protect the voters and challengers from intimidation and violence, and the registers, poll books, boxes and ballots from violence and fraud, and to deputize, if necessary, one or more electors to communicate their orders and directions and to assist in the enforcement thereof.

Compensation of members of Department of Elections, how paid.

SECTION 28. The legal compensation of all members of the Department of Elections shall be paid quarterly on the last day of March, June, September and December by the State Treasurer out of any money belonging to the State not otherwise appropriated. The compensation of inspectors of election, poll clerks and other officers of election, as provided for by this act, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, blanks, stationery, the rent and cost of fitting-up, warming, lighting, cleaning and safe keeping of all places of registration and polling places; of furnishing, repairing and carting ballot-boxes, and the cost of all supplies of every kind and nature for elections in said city shall be paid as other general election expenses are, and upon proper warrants and vouchers made by the Department of Elections.

Compensation of other election officers and necessary expenses, how paid.

Duty of city surveyor.

SECTION 29. It shall be the duty of the city surveyor to furnish to the Department of Elections of said city, upon their request, a map or maps of the several wards of the city, or any and all portions thereof.

SECTION 30. Hereafter it shall not be lawful for any of the authorities, officers or agents of the said city of Wilming-

OF ELECTIONS.

ton to number or re-number, or change the name of any street, avenue, lane, road or way in the said city, or in any-wise change or alter any such number or name, save between the first day of July and the last day of August, of any year.

Change of
number or
name of
streets, etc.

SECTION 31. It shall be unlawful for any inspector of election, poll clerk or challenger, during the election or canvass of ballots, or any person or persons within the polling place, to electioneer or engage in any political discussion. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days or by fine not more than two hundred dollars, or both.

Electioneer-
ing or en-
gaging in
political dis-
cussion.

Penalty.

SECTION 32. Whoever, during the sitting of any board of inspectors of election in any election district in the city, whether held for the purpose of registration, revision of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order, or send into, or shall attempt to bring, take, or send into any place of registration, revision of registration, or of election, any distilled or spirituous liquors whatever, or shall, at any such time and place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than one hundred dollars, or both.

Intoxica-
ting and
spirituous
liquors.

Penalty.

SECTION 33. If, at any registration, or revision of registration of voters, or at any meeting of inspectors of election held for such purpose, as provided in this act, any person shall falsely personate an elector, or other person, and register, or attempt or offer to register in the name of such elector, or other person, or if any person shall knowingly or fraudulently register, or offer, or attempt to make application to register in or under the name of any person, or in or under any false, assumed, or fictitious name, or in or under any name not his own, or shall knowingly or fraudulently register in two election districts, or, having registered in one district, shall fraudulently attempt to offer to register in another, or shall fraudulently register, or attempt or offer to register in any election district not having a lawful right to register therein, or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person, or shall knowingly, willfully, or fraudulently, by false personation, or otherwise, or by any

Personation

Registry in
wrong dis-
trict or in
more than
one.

OF ELECTIONS.

unlawful means, procure, or attempt to cause or procure the name of any qualified voter in any election district to be erased or stricken from any register of the voters of such district, made in pursuance of this act or otherwise than in this act provided; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevent, hinder, or delay any person having a lawful right to register or be registered, from duly exercising such right, or who shall knowingly, willfully, or fraudulently compel or induce, or attempt, or offer to compel, or induce by such means, or any unlawful means, any inspector of election or officer of registration in any election district, to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed, or fictitious name, or any name of any person except as provided in this act, or shall knowingly, or willfully or fraudulently interfere with, hinder or delay any inspector of election, or other officer of registration in the discharge of his duties, or counsel, advise or induce, or attempt to induce any such inspector or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure, or advise any voter, person, inspector of election, or other officer of registration, to do any act by law forbidden or in this act constituted an offense, or to omit to do any act by law directed to be done; every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by fine not more than two hundred dollars, or both.

Intimidation

Intimidation
or interference
with
election
officer.

Penalty.

Personation
of voters.Fraudulent
voting.

SECTION 34. If at any election hereafter held in the said city as provided in this act any person shall falsely personate any elector or other person, and vote or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any person whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own, or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office, or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or to vote more than once or to vote in more than one election district, or having once voted shall vote or attempt or offer to vote again, or shall knowingly, willfully or fraudulently do any unlawful act to

OF ELECTIONS.

secure an opportunity for himself or for any other person to vote, or shall by force, threat, menace, intimidation, bribery or reward or offer or promise thereof, or otherwise, unlawfully either directly or indirectly influence or attempt to influence any elector in giving his vote, or prevent or hinder or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage or by any such means induce or attempt to induce any such voter to refuse to exercise any such right, or shall by any such means or otherwise compel or induce or attempt to compel or induce any inspector of election or other officer of election in any election district to receive the vote of any person not legally qualified or entitled to vote at the said election in such district, or shall knowingly, willfully or fraudulently interfere with, delay or hinder in any manner any inspector of election, poll clerk, or other officer of election in the discharge of his duty, or by any of such means or other unlawful means, knowingly, willfully or fraudulently counsel, advise, induce or attempt to induce any inspector of election, poll clerk, or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election, or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel or advise, procure or assist any voter, person or inspector of election or other officer of election to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished for each and every offense by imprisonment in the county jail for not more than two years or by a fine of not more than two hundred dollars, or both. ^{Intimidation and bribery.} ^{Penalty.}

SECTION 35. If any poll clerk or inspector of election performing the duty of poll clerk shall willfully keep a false poll list or shall knowingly insert in his poll list any false statement or any name or statement, or any check, letter or mark except as in this act provided, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. ^{Poll clerks making false entries.} ^{Penalty.}

OF ELECTIONS.

Failure of
inspector to
perform his
duty.

Penalty.

Election
officers mak-
ing false can-
vass or en-
tries, &c.

Penalty.

Fraudulent
voting by in-
spectors, &c.

SECTION 36. Every inspector of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

SECTION 37: Every inspector of election, member of the Department of Elections, poll clerk, or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, who shall willfully make any false canvass of such votes, or shall make, sign, publish or deliver any false returns of such election, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully deface, destroy or conceal any statement or certificate intrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by a fine of not more than two hundred dollars, or both.

SECTION 38. If any person, other than an inspector of election, shall at any election knowingly and willfully put or cause to be put any ballot or ballots or other paper having the semblance thereof into any box used at such election for the reception of votes, or if any such inspector shall knowingly and willfully cause or permit any ballot to be in said box at the opening of the polls and before voting shall have commenced, or shall knowingly or willfully or fraudulently put any ballot or other paper having the semblance thereof into any such box at any such election, unless the same shall be offered by an elector and his name shall have been found and checked upon the registers, as hereinbefore provided, or if any such inspector or other officer, or person shall fraudulently, before, during or after the canvass of ballots, in any manner change, substitute or alter any ballot,

OF ELECTIONS.

or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to the ballots found in any box upon the closing of the polls, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Penalty.

SECTION 39. If any member of the Department of Elections, any inspector of election, poll clerk, or other officer of registration, election or canvass, of whom any duty is required in this act, or by the general election laws of this State (so far as the same are consistent with the provisions of this act), shall be guilty of any willful neglect of such duty, of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Willful neglect of duty by election officers. Penalty.

SECTION 40. Every inspector of election, poll clerk, or other officer or person having the custody of any record, register of votes, or copy thereof, oath, return of votes, certificate, poll list, or any paper, document, or evidence of any description in this act directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole, or any part thereof, or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person to do so, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished for each and every such offense by imprisonment in the county jail not exceeding two years, or by a fine of not more than two hundred dollars, or both. Stealing or secreting records, registers, &c. Penalty.

SECTION 41. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures, or abets the commission of the same, or of any of them, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and for each and every such offense shall be punished by imprisonment in the county jail not exceeding two years, or by a fine of not more than two hundred dollars, or both. Abetting offenses named in Sec. 40. Penalty.

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Perjury. SECTION 42. Any person who shall be convicted of willful false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this act shall be adjudged guilty of perjury.

Subornation of perjury. SECTION 43. Every person who shall willfully or corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of perjury.

Tampering with ballots and voters. SECTION 44. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Disobeying inspectors. SECTION 45. If any person shall willfully disobey any lawful command of any inspector of election, or of any board of inspectors of election, given in the execution of his or their duty as such at any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than two hundred dollars, or both.

Penalty.

Breach of peace, violence, threats, &c. SECTION 46. If at any registration or revision of registration of voters or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace or use any violence or threats of violence, whereby any such registration, revision of registration, election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election, or board of inspectors of election, or poll clerk or other officer of such election, or challenger, as hereinbefore provided, are interfered with, every such person shall, upon

OF ELECTIONS.

conviction thereof be adjudged guilty of a misdemeanor, ^{Penalty.} and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

SECTION 47. If any person shall knowingly or willfully ^{Obstruction, bribery and assault.} obstruct, hinder, assault, or by bribery, solicitation or otherwise interfere with any inspector of election, poll clerk or challenger in the performance of any duty required of him, or which he may by law be authorized or permitted to perform; or if any person by any other means before mentioned or otherwise unlawfully, shall on the day of registration, revision of registration, or of election, hinder, or prevent any inspector of election, poll clerk or challenger in his free attendance and presence at the place of registration or of election in the election district in and for which he is appointed to serve, or in his full and free access and egress to and from any such place of registration or election, or to and from any room where any such registration or election, or canvass of votes, or of making any returns or certificates thereof, may be had, or shall molest, interfere with, remove or eject from any such place of registration, or poll of election, or of canvassing ballots, cast thereat, or of making the returns or certificates thereof, any such inspector of election, poll clerk or challenger, or shall unlawfully threaten or attempt or offer so to do, every such person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more ^{Penalty.} than two years, or by a fine of not more than two hundred dollars, or both.

SECTION 48. Any inspector of election who shall willfully ^{Neglect or refusal to serve.} neglect, or when called on shall willfully decline to exercise the powers conferred on him in this act for any of the purposes set forth in Section 27 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not more ^{Penalty.} than one year or by a fine of not more than two hundred dollars, or both.

SECTION 49. If any person shall steal, or willfully break ^{Stealing or destroying ballot-box, &c.} or destroy any ballot box used or intended to be used at any election, or shall willfully or fraudulently conceal, secrete, or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or conceal any

OF ELECTIONS.

Perjury. SECTION 42. Any person who shall be convicted of willful false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this act shall be adjudged guilty of perjury.

Subornation of perjury. SECTION 43. Every person who shall willfully or corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of perjury.

Tampering with ballots and voters. SECTION 44. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Disobeying inspectors. SECTION 45. If any person shall willfully disobey any lawful command of any inspector of election, or of any board of inspectors of election, given in the execution of his or their duty as such at any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than two hundred dollars, or both.

Penalty.

Breach of peace, violence, threats, &c. SECTION 46. If at any registration or revision of registration of voters or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace or use any violence or threats of violence, whereby any such registration, revision of registration, election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election, or board of inspectors of election, or poll clerk or other officer of such election, or challenger, as hereinbefore provided, are interfered with, every such person shall, upon

OF ELECTIONS.

conviction thereof be adjudged guilty of a misdemeanor, ^{Penalty.} and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

SECTION 47. If any person shall knowingly or willfully ^{Obstruction, bribery and assault.} obstruct, hinder, assault, or by bribery, solicitation or otherwise interfere with any inspector of election, poll clerk or challenger in the performance of any duty required of him, or which he may by law be authorized or permitted to perform; or if any person by any other means before mentioned or otherwise unlawfully, shall on the day of registration, revision of registration, or of election, hinder, or prevent any inspector of election, poll clerk or challenger in his free attendance and presence at the place of registration or of election in the election district in and for which he is appointed to serve, or in his full and free access and egress to and from any such place of registration or election, or to and from any room where any such registration or election, or canvass of votes, or of making any returns or certificates thereof, may be had, or shall molest, interfere with, remove or eject from any such place of registration, or poll of election, or of canvassing ballots, cast thereat, or of making the returns or certificates thereof, any such inspector of election, poll clerk or challenger, or shall unlawfully threaten or attempt or offer so to do, every such person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more ^{Penalty.} than two years, or by a fine of not more than two hundred dollars, or both.

SECTION 48. Any inspector of election who shall willfully ^{Neglect or refusal to serve.} neglect, or when called on shall willfully decline to exercise the powers conferred on him in this act for any of the purposes set forth in Section 27 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not more ^{Penalty.} than one year or by a fine of not more than two hundred dollars, or both.

SECTION 49. If any person shall steal, or willfully break ^{Stealing or destroying ballot-box, &c.} or destroy any ballot box used or intended to be used at any election, or shall willfully or fraudulently conceal, secrete, or remove any such box from the custody of the inspectors of election, or shall alter, upon, deface, injure, destroy or conceal any

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Penalty. ballot which has been deposited in any ballot-box at such election, or any poll list used or intended to be used at such election, or any report, return, certificate, or other evidence in this act required or provided for, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall for each and every such offense be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Majority decision. SECTION 50. If, in any election district, in any registration, or revision of registration of voters, or at any election hereafter held in said city, any inspector of election, or poll clerk, shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters or poll books, or receive any vote, or proceed with a canvass of ballots, or shall consent thereto, unless a majority of the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than sixty days, or by a fine of not more than one hundred dollars, or both.

Penalty.

Irregularities and defects. SECTION 51. Irregularities or defects in the mode of noticing, canvassing, polling or conducting any election authorized by this act shall constitute no defense to a prosecution for a violation of the provisions of this act.

Prosecution. SECTION 52. Upon any prosecution for procuring, offering or casting an illegal vote, the accused may give in evidence any fact tending to show that he honestly believed upon good reason that the vote complained of was a lawful one.

Evidence.

Duty of Attorney-General. SECTION 53. It is hereby made the special duty of the Attorney-General of the State of Delaware to immediately prosecute all complaints which may be made of a violation of any of the provisions of this act to final judgment; and it shall be the duty of the Department of Elections to notify the said Attorney-General of all violations under this act.

Inconsistent acts repealed. SECTION 54. That all laws or parts of laws heretofore passed inconsistent with any of the provisions of this act be and the same are hereby repealed.

Passed at Dover, May 13, 1891.

CONSTITUTIONAL PROVISIONS

AND OTHER LAWS

RELATING TO THE GENERAL AND SPECIAL ELECTIONS.

Provisions of the State Constitution.

ARTICLE I.

SEC. 3. All elections shall be free and equal.

Elections.

ARTICLE II.

SEC. 2. The representatives shall be chosen for two years by the citizens residing in the several counties. * * * * Representatives.

SEC. 3. The senators shall be chosen for four years by the citizens residing in the several counties. * * * * Senators.

If the office of representative, or the office of senator, become vacant before the regular expiration of the term thereof, a representative or a senator shall be elected to fill such vacancy, and shall hold the office for the residue of said term. Vacancies.

When there is a vacancy in either house of the General Assembly, and the General Assembly is not in session, the Governor shall have power to issue a writ of election to fill such vacancy; which writ shall be executed as a writ issued by the speaker of either house in case of vacancy.

* * * * *

SEC. 13. When vacancies happen in either house, writs of election shall be issued by the speakers respectively, or in cases of necessity, in such other manner as shall be provided by law; and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected might have done, if such vacancies had not happened. Vacancies.

OF ELECTIONS.

ARTICLE III.

Governor. SEC. 2. The Governor shall be chosen by the citizens of the State. The returns of every election for Governor shall
Election re- be sealed up, and immediately delivered by the returning
turns. officers of the several counties to the Speaker of the Senate, or in case of the vacancy of the office of the Speaker of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a Speaker of the Senate shall be appointed, to whom they shall be immediately delivered after his appointment, who shall open and publish the same in the presence of the members of both houses of the Legislature. Duplicates of the said returns shall also be immediately lodged with the prothonotary of each county. The person having the highest number of votes shall be
Election Governor: but if two or more shall be equal in the highest
contested. number of votes, the members of the two houses shall, by joint ballot, choose one of them to be Governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the Speaker of the Senate shall have an additional casting vote.

Contested elections of a Governor shall be determined by a joint committee, consisting of one-third of all the members of each branch of the Legislature, to be selected by ballot of the houses respectively: every person of the committee shall take an oath or affirmation, that in determining the said election, he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

ARTICLE IV.

Elections, SEC. 1. All elections for Governor, Senators, Representa-
when held. tives, Sheriffs, and Coroners, shall be held on the Tuesday next after the first Monday in the month of November of the year in which they are to be held, and be by ballot.

Voters. And in such elections every * * * male citizen, of the
Amendment age of twenty-two years or upwards, having resided in the State one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election paid a county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and every * * *
 * * * male citizen of the age of twenty-one years and under the age of twenty-two years, having resided as aforesaid, shall be entitled to vote without payment of any tax: *Pro*

OF ELECTIONS.

vided that no person in the military, naval, or marine service of the United States, shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector; and that the Legislature may impose the forfeiture of the right of suffrage as a punishment for crime.

SEC. 2. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them. Privileged from arrest.

ARTICLE VII.

SEC. 2. The representative, and when there shall be more than one, the representatives of the people of this State in Congress, shall be voted for at the same places where representatives in the State Legislature are voted for, and in the same manner. Representatives in Congress.

SEC. 3. The sheriff and coroner of each county shall be chosen by the citizens residing in such county. They shall hold their respective offices for two years if so long they behave themselves well, and until successors be duly qualified; but no person shall be twice chosen sheriff upon election by the citizens in any term of four years. They shall be commissioned by the Governor. The Governor shall fill vacancies in these offices by appointments to continue until the next election and until successors shall be duly qualified. The Legislature, two-thirds of each branch concurring, may vest the appointment of sheriffs and coroners in the Governor; but no person shall be twice appointed sheriff in any term of six years. Sheriff and Coroner.

ARTICLE IX.

The General Assembly, whenever two-thirds of each house shall deem it necessary, may, with the approbation of the Governor, propose amendments to this constitution, and at least three and not more than six months before the next general election of representatives, duly publish them in print for the consideration of the people; and if three-fourths of each branch of the Legislature shall, after such an election and before another, ratify the said amendments, they shall be valid to all intents and purposes as parts of this Amendments.

OF ELECTIONS.

Convention. constitution. No convention shall be called but by the authority of the people: and an unexceptionable mode of making their sense known, will be for them at a special election on the third Tuesday of May in any year to vote by ballot for or against a convention as they shall severally choose to do; and if thereupon it shall appear that a majority of all the citizens in the State, having right to vote for representatives, have voted for a convention, the General Assembly shall accordingly at their next session, call a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The majority of all the citizens in the State, having right to vote for representatives, shall be ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention; and whenever the General Assembly shall deem a convention necessary, they shall provide by law for the holding of a special election for the purpose of ascertaining the sense of the majority of the citizens of the State entitled to vote for representatives.

Majority.

OF ELECTIONS.

General Provisions Concerning Elections.

CHAPTER 16, REVISED CODE.

SEC. 1. At all elections for State or county officers, the electors shall vote within the hundreds, wards, precincts, or election districts in which they shall respectively have resided at least fifteen days immediately prior to the time of voting, and not elsewhere. Amended, Chapter 26, Volume 17. Place of voting.

SEC. 2. In all elections, unless it be otherwise expressly provided, a plurality, or the highest number of votes, shall make a choice, except where this principle is defeated by two persons having the same number of votes for the same office. Plurality elects.

SEC. 3. In all questions of residence, arising under the provisions of the fourth article of the amended constitution, the following rule shall be observed; that if any person, having resided within the State, shall actually remove to another place out of the State, with an intention of remaining there for an indefinite time, as a place of present domicil, he shall lose his qualification of residence within the State, notwithstanding he may entertain a floating intention to return at some future period. The same principle shall be applied to removals from one place to another within the State. Residence: rule as to.

SEC. 4. In reading out the ballots at any election, a double vote, that is to say, two or more ballots voted together by the same person, shall not be counted or tallied, but both of the ballots, comprising such double vote, shall be rejected. Double votes.

SEC. 5. If in reading out the ballots at any election, a ballot shall be found to contain the names of more persons voted for, for any office, than by law ought to be voted for for such office, such part of the ballot shall be rejected and the residue shall be read. Amendment Chap. 421, Vol. 11.

SEC. 6. The presiding officer of an election shall, from the opening of the same until all the duties and proceedings Election officers: powers.

OF ELECTIONS.

connected therewith are fully completed, have power to command the peace, and to require sureties of the peace from any person disturbing the election or the officers thereof in the performance of their duties, and to commit to prison for refusal or neglect to find such surety; and all officers, and other persons, are required to obey the lawful commands of such presiding officer in this behalf, and in default thereof, such officer, or other person, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of fifty dollars.

Officers and other persons required to obey presiding officer. Failure, Fine, \$50.

SEC. 7. Every justice of the peace and collector shall attend at the place of holding an election in the hundred in which he shall reside, from the opening until the close of such election; and every constable shall attend at the place of holding an election in his hundred, and shall there continue from the opening of such election until all the votes cast thereat shall be read and tallied, and the certificates of such election signed, and (if it be at a general election) the ballot box sealed.

Justices of the peace and collectors to attend elections. Constable to attend.

The collector shall have his duplicate, and shall receive any tax or taxes offered; and it shall be the duty of every justice of the peace and constable to take care that the peace be kept, and that the election be not interrupted or disturbed.

Duty of collector, constable and justice of the peace.

If any justice of the peace, collector, or constable, shall refuse or neglect to perform the duties by this section enjoined upon him, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of one hundred dollars.

Penalty for neglect of duty.

At elections held in Wilmington hundred, the mayor and alderman of the city of Wilmington shall perform the duties by this section enjoined upon justices of the peace, subject to the same penalty for default therein.

Wilmington. Duty of officers.

SEC. 8 If any inspector, collector, assessor, or other presiding officer, judge, or clerk of an election, or if a clerk of the peace, sheriff, coroner, prothonotary or other officer presiding at a board of canvass, shall neglect to perform any duty by the election laws of this State enjoined upon them respectively; or shall use any falsehood, fraud or deceit, or be guilty of any corruption, or misbehavior, in performing any of the said duties; such officer, so offending, shall, for every such offence, forfeit a sum, not less than fifty nor more than five hundred dollars, to any person who will sue for the same.

Election officers: penalty for neglect of duty.

Forfeiture of \$50 to \$500.

OF ELECTIONS.

This section shall not extend to any offence or default Proviso. against which any fine, forfeiture, or penalty is expressly provided by any other section of the chapter.

SEC. 9. If, at any election, the presiding officer, or a Penalty for receiving unlawful votes. \$200 fine. judge of the election, shall knowingly and willfully receive, or advise and consent to the receiving, of the vote of any person not entitled to vote at such election; or if such presiding officer, or judge, shall knowingly and willfully refuse to receive, or advise and concur in refusing to receive, the vote of any person entitled to vote at such election, every such presiding officer, or judge, shall for every such offence, forfeit and pay the sum of two hundred dollars to any person who will sue for the same; or such presiding officer, or judge, \$50 to \$200 fine. shall for every such offence, be deemed guilty of a misdemeanor, and shall be fined not less than fifty nor more than two hundred dollars. Both the aforesaid penalties shall not Proviso. be incurred for the same offence; and a conviction upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding. But, Perjury. in all cases, an offender under this section, shall be further liable to be indicted, and punished, as in other cases, for willful and corrupt perjury in having violated his oath or affirmation as such presiding officer or judge.

SEC. 10. If any presiding officer of an election, sheriff, or Destruction, &c., of certificate of election. Penalty, \$500 fine. other person, shall willfully destroy, secrete, conceal, embezzle, or purloin, or in any manner counterfeit, alter, or vary, any certificate of election, either of a hundred, or of a county, or shall willfully do any act or thing whereby to prevent any such certificate from being duly produced, returned, or delivered, according to law; such presiding officer, sheriff, or other person, shall, for every such offence, be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of five hundred dollars.

SEC. 11. If any person, not entitled to vote, shall vote, Illegal voting. or offer to vote, at any election, or if any person shall vote, or offer to vote, in a hundred in which he shall not at the time of such voting or offering to vote reside; or if any person, having voted once, shall vote, or offer to vote, a second time at the same election, either in the same, or in another hundred; or if any person shall fraudulently deliver, or offer, to the presiding officer of an election, more than a single ballot; every person, so offending, shall for every such offence, Penalty. \$100. forfeit and pay the sum of one hundred dollars to any per-

OF ELECTIONS.

Penalty. son who will sue for the same; or the person so offending shall, for every such offence, forfeit and pay to the State a fine of not less than fifty dollars, nor more than five hundred dollars. Both the aforesaid penalties shall not be incurred for the same offence, and a conviction upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding.

Proviso.

Bribery. SEC. 12. If any person shall give, offer or promise, any money, goods, chattels or other thing or matter, or release, or offer to release any debt, or obligation, by way of bribe, gift, benefit, or reward, for the purpose, or with the object, of influencing any elector in giving his vote, or in refusing to vote, or in absenting himself from the polls at any election; or if any candidate for office at an election, shall, at such election, influence or attempt to influence, any elector, in giving or withholding his vote, or in absenting himself from the polls by any the means aforesaid, or by offering to serve in such office for nothing, or for a less allowance than that prescribed by law; every such person or candidate shall, for every such offence, forfeit and pay the sum of two hundred dollars, one-half thereof to be for the use of the State, and the other half thereof for the person who will sue for the said penalty; and further, any person or candidate so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be imprisoned in the public jail of the county wherein such offence may be committed for a term of not less than one and not more than nine months; and for the term of two years next after said conviction such person shall forfeit the right of an elector; and if any candidate for office, so offending as aforesaid, shall be elected, his office shall, upon his conviction for such offence as aforesaid, be vacated, and he be rendered incapable of serving therein for the term for which he shall have been elected.

Penalty.

Imprisonment.

Forfeiture.

Disqualification.

Amended Vol. 17, Chap. 26. **Accepting** bribe misdemeanor. **Forfeiture.** And if any person shall accept or receive any thing so given, offered or promised as above, with the intent, purpose and object in this section specified, such persons shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the period of four years from such conviction, forfeit all the rights and privileges of an elector, and in case of a second or any subsequent conviction, for a like offence, shall forfeit all the rights and privileges of an elector for the period of eight years from the date of any such conviction, and shall also, during the period of such disfranchisement, be incompetent to serve as a juror. *Provided,*

Proviso.

OF ELECTIONS.

however that when any person, a party to such prohibited transactions, shall inform against the other party thereto, and shall give evidence against such other party upon a trial, the person so testifying shall not be indicted for that offence. Informers not indictable.

SEC. 13. If any person, either before or pending an election, or during the reading and tallying of the votes cast at an election, shall, for himself, or for another or others, lay any wager or bet on the result of such election, or on the election or defeat of any candidate or person voted for at such election, every person so offending shall, for every such offence, forfeit and pay to any person who will sue for the same, double the amount of such wager or bet, or double the value of the thing betted. The stakeholder shall, in all cases, be a competent witness to prove such illegal wager. Betting. Penalty. Witness.

SEC. 14. If any stakeholder, or person with whom any money or thing, so illegally betted, shall be deposited, shall at any time, either before or after such bet shall have been decided, pay over or deliver, to either or both the persons betting the same, or to any other person by the order or for the use of them, or either of them, the money or thing so illegally betted, every such stakeholder or depositary, shall be liable to the same forfeiture to which the person betting may be liable under the next foregoing section; either of the persons betting shall be competent witnesses against such stakeholder. On stakeholder. Witness.

SEC. 15. If any person shall, on the day of an election, or during the reading and tallying of the votes, at any place where such election is held, or within one mile thereof, commit an assault and battery; or if any person shall interrupt or disturb the election, or the officers thereof, or any of them, in the performance of any of their duties, either in receiving, reading or tallying the votes, or shall interrupt or disturb the inspectors and sheriff, or other presiding officer, when assembled as a board of canvass, in performing any of the duties of such board, every such person shall, for every such offence, be liable to be held to surety of the peace, and on failure to give such surety forthwith, to be committed to prison, and shall further forfeit and pay to the State a fine of not less than ten dollars nor more than one hundred dollars. Breaches of the peace. Penalty. \$20 to \$100.

SEC. 16. If any person shall, on the day of an election, or on the day next before or after such day, make, set up, or have, any booth, stall, or other temporary convenience, for Stalls for sale of liquor unlawful.

OF ELECTIONS.

Selling
liquor pro-
hibited.

Penalty
\$20 fine.

Duty of offi-
cers.

Volume 14,
Chapter 418,
Section 14.
Unlawful to
sell intoxi-
cating
liquors on
the day of
election.

Misde-
meanor.
Fine

Forfeiture of
license.

the purpose of selling any spirituous, vinous, malt, or other intoxicating liquors, or shall sell, or expose to sale, any spirituous, vinous, malt, or other intoxicating liquors, at any place where such election shall be held, or within two miles thereof, or upon any highway, or road, leading thereto; every such person shall, for every such offence, forfeit and pay to the State a fine of twenty dollars; and it shall be the duty of every justice of the peace or constable, residing in any hundred, to abate and remove any such booth, stall, or other temporary convenience, so set up or used in such hundred in the manner and for the purpose aforesaid, and to hold the person so having or using such booth, stall, or other temporary convenience, to surety of the peace, and in default of such surety being immediately given, to commit such person to prison; and every justice of the peace, or constable, shall have authority to command the assistance of any citizen or citizens, in the premises. No record need be made of the abating or removing of any booth, stall, or temporary convenience as aforesaid; but this section and the truth of the case may in any suit be given in evidence under the general issue. * * * * * And no person licensed to sell liquor shall sell, give away, or dispense any intoxicating liquors on the day of any general, special, or municipal election within one mile of the place where the same is held, and such day shall be reckoned from the midnight before till the midnight after such election; and any person violating this provision, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, and, if holding a license under this act, shall forfeit the same in addition to such fine, and be incapable of receiving a license for the space of two years thereafter.

* * * * *

Militia not
to be called
out.

Penalty,
\$1,000.

SEC. 22. If any officer or other person, shall call out or order any of the militia of this State to appear, exercise, or muster on the day of any election, or within ten days before any general election, or three days before any special election or election for assessor and inspector, or within three days after either of such elections, except in case of invasion or insurrection, every such officer or other person, shall for every such offence, forfeit and pay to the State a fine of one thousand dollars.

SEC. 23. In every suit, or action for a forfeiture, or

OF ELECTIONS.

penalty, under the foregoing provisions (except in cases cognizable before a justice of the peace) special bail may be required of the defendant in double the sum of such forfeiture, or penalty, upon affidavit of the person suing, or of any credible person for him, setting forth the facts on the ground whereof such forfeiture or penalty shall have been incurred.

Special bail
in suits for
penalties.

CHAPTER 487, VOLUME 12.

An Act Further to Protect the Free Exercise of the Elective Franchise.

SEC. 1. That if any person who is a duly qualified elector of this State; according to the constitution and laws thereof, shall hereafter be prevented from voting, or obstructed in his effort to vote at any election, by reason of any interference by any person or persons, or military power, or other power, exercising or attempting to exercise force, intimidation or threats, or requiring any qualifications or conditions unknown to such constitution and laws, he shall be deemed and taken to have suffered private damage and injury, and shall have civil remedy therefor, in the courts of this State, by action of trespass, or on the case, according to the nature of the interference, against all and every person or persons who promote such interference, whether by active participation, or by advising, counseling, or in any wise encouraging the same; and in any trial under this act, the jury, if in their opinion the circumstances will warrant it, may give exemplary damages.

Obstruction
and inter-
ference.

Civil action
for damage.

SEC. 2. That it shall be the duty of every citizen of this State who has knowledge of any design on the part of any other citizen or citizens of this State to promote interference with elections, either by soliciting or advising the presence of a military force at or near the place or places of holding such elections, or by the employment of any other organized or unorganized body of men, or by intimidation, or threats, forthwith to make public disclosure of such knowledge, stating names, by an affidavit to be made before any one of the judges of this State, and file the same in the office of the clerk of the peace of the county where the judge resides, and if any such citizen, having such knowledge, shall fail to make such affidavit and cause the same to be filed as aforesaid, he shall be treated as a promoter of the interference

Citizen to
make dis-
closures.

OF ELECTIONS.

mentioned in the first section of this act, and be liable as is therein provided.

Limitation. SEC. 3. That the limitation of actions commenced under this act shall be ten years from the time of the accruing of the cause of action.

CHAPTER 49I, VOLUME 12.

An Act Further to Secure the Free Exercise of the Right to Vote at Elections.

Military interference. SEC. 1. That if it shall so happen hereafter that by reason of the presence of any military force at or near the place of holding an election in this State, under the provisions of Chapter 18 of the Revised Code, electors duly qualified by the constitution and laws of this State to vote at said place at said election shall be prevented from, or interfered with, in casting their votes, by military force, or the requirement of oaths unknown to said constitution and laws, any number of electors, not less than five, shall have the right to withdraw from the said place to any other place within the voting district where such prevention or interference shall take place, and having there, by a majority of the electors present, selected a duly qualified elector of said district, who shall be a freeholder, to act as inspector, to deliver to him there their respective ballots; which said inspector shall receive the said ballots and record the name of the voter upon a list to be kept by him for that purpose, and immediately write upon each ballot the name of the person who delivered the same to him—the said inspector having first administered to each person offering to vote on the ground of his being between the age of twenty-one and twenty-two years, an oath or affirmation in the following words, that is to say: “You do solemnly swear (or affirm) that you are of the age of twenty-one years, and not arrived at the age of twenty-two years, and that you at this time reside in this hundred, and that you have not voted, and will not vote on this day at any other place in this or any other hundred, and that you have resided in this county one month, and in this State one year next before this election;” and to every person offering to vote on the ground of having paid a tax, and being otherwise qualified, according to the constitution, the

Electors shall have right to vote. How and where.

Oath.

OF ELECTIONS.

following: "You do solemnly swear (or affirm) that you are
"of the age of twenty-two years, and that you at this time
"reside in this hundred, and that you have not voted, and
"will not vote on this day at any other place in this or any
"other hundred, and that you have resided in this county
"one month and in this State one year next before this elec-
"tion; and that you have within two years paid a county
"tax which was assessed at least six months before this elec-
"tion;" and also the further oath that he has been hindered
or prevented from casting his vote at the regular place of
holding the election, by military interference, or by the
requirement of oaths unauthorized by the constitution and
laws of this State.

SEC. 2. That the polls authorized to be held by the
preceding section shall be held at the place where they are
opened, unless it be impracticable to hold them there, in
which event they shall be adjourned to some other place, or
places (if necessary,) in the election district where they are
opened, and there held, and shall be kept open until five
o'clock in the afternoon, when the inspector shall close
them. As soon as such polls are closed, the inspector hold-
ing them, having first ascertained the number of ballots cast,
and for whom and for what office the votes were given, and
made a certificate thereof, shall seal up the ballots received
by him in a box or envelope, and keep them safely, together
with the list of the names of the electors who have deposited
their ballots with him, until the time of the meeting of the
board of canvass provided for by the chapter aforesaid, when
he shall appear before the said board with the said ballots
and list of voters and his certificate aforesaid, and deliver his
said certificate to the said board, with an affidavit made by
him upon the same that it contains a true and faithful state-
ment of the number of ballots received by him as aforesaid,
the names of the electors who cast them, the number of votes
for the different persons voted for, and that at the said poll
held by him he did not, knowingly, receive the ballot of any
person not a duly qualified voter within his election district,
according to the constitution and laws of the State of Dela-
ware, nor did he refuse to receive the ballot of any person so
qualified, and who had been prevented from voting at the
regular place of voting by military force or the requirement
of an oath unauthorized by the constitution and laws of the
State of Delaware; and that he determined every matter that
came before him and performed every act and duty required

Polls, where
held.

Return to
Board of
Canvass.

OF ELECTIONS.

of him by law touching the election held by him, truly, faithfully, and impartially, according to the best of his skill and judgment.

Duty of
Board of
Canvass

Proviso.

SEC. 3. That it shall be the duty of the board of canvass to receive the said certificate, and in ascertaining and certifying the state of the election under the provisions of the chapter aforesaid, to take into consideration the number of ballots certified by said inspector to have been received by him and for whom and for what office the votes were given, and give said certificate the same force and effect, and it shall have the same force and effect as a certificate of the election officers at any of the regular places of holding the election; and the votes given shall be reckoned among the number of votes given in the election district where they were received by the said inspector in the same manner as if they had been given at the regular place of voting in said district: *Provided always, however,* That the said board shall be, and they are hereby required to hear and determine challenges of the right of any person who delivered his ballot to the said inspector, and reject any ballot if the person who cast the same had not a right to vote under the constitution and laws of this State, either from want of qualification, or by reason of his having voted at any other place in the State where he was entitled to vote on the same day. Such of the said ballots, so received by the said inspector, as are not rejected by the board of canvass, and also the list of voters, and the certificate aforesaid, shall be deposited by the said board in the regular ballot-box of the election district where they were cast, and the said box shall then be immediately resealed by the presiding officer of the board of canvass. The said board shall also have power to examine, on oath, the said inspector, touching any matter connected with the holding of the election by him, and shall have power, if it appear to them that the said election was not fairly held by any inspector, to reject his said certificate, and throw out the vote returned by him as aforesaid.

Board of
Canvass
may choose
place of
meeting,
in case of
military in-
terference.

SEC. 4. That if it shall be apparent to a board of canvass that any interference with the performance of their duties under Chapter 18 aforesaid, and this act, will be attempted by military force, or, if after they have met, any such interference shall be attempted, they shall have power to meet at any other place within their county to perform their said duties. And further, if any member of a board of canvass, or any inspector created by virtue of this act, shall be

OF ELECTIONS.

prevented, by reason of such interference from attending the meeting of the board, or if the board, being met, shall be prevented by such interference from performing the duties incumbent on them, it shall be the duty of the said board to adjourn to meet at some other time and other place (if necessary), to perform their duties under the laws of this State, and so to adjourn from time to time until such duties can be performed. The duty of attendance upon said board, on the part of an inspector created by authority of this act, and the penalties upon him for not appearing, shall be the same as in the case of the inspectors regularly elected according to law; but no such inspector shall be a member of the board of canvass.

SEC. 5. That nothing herein contained shall limit the voting places to two in an election district, but, the emergency contemplated above arising, as many different polls may be held as there are numbers of voters of five or more, who under the circumstances aforesaid withdraw from the regular place of holding the election for the purpose of casting their ballots without intimidation or interference.

Number of
polls not
limited to
two in each
district.

SEC. 6. That each inspector created by authority of this act shall have power to appoint a clerk to aid him in the discharge of such duties as are clerical, and shall administer to him, before he enters upon the discharge of the duties to be assigned to him, an oath or affirmation in these words: "You do solemnly swear (or affirm) that as clerk of this election you will not use nor assent to any falsehood, fraud or deceit, and that you will keep the polls and perform all your duties truly, faithfully and impartially, so help you God (or so you solemnly affirm)." The inspectors and clerks shall receive the same compensation as inspectors and clerks elected and appointed under the present election law.

Clerk.

Oath.

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CHAPTER 396, VOLUME 13.

An Act Relating to Voters.

SEC. 1. That no person of the age of twenty-two years or upwards who has not resided in this State one year next before any election for Governor, Senator, Representatives, Sheriffs and Coroners, and the last month thereof in the

Voters, their
qualifica-
tions.

OF ELECTIONS.

county whereof he offers to vote, and not having within two years next before the election paid a county tax which shall have been assessed at least six months before the election, shall enjoy the right of an elector.

CHAPTER 29, VOLUME 17.

An Act in Relation to the Election of Assessors and Inspectors.

Amended,
Volume 19,
Chapter 40.
Election of
Assessors.

Time and
place of
holding
election.

Ballots.

County As-
sessor in
Wilmington
hundred
continued in
office

Certificates
of election.

To whom
delivered.

Form.

SEC. 1. That hereafter the election of assessors for the several hundreds in the respective counties in this State, and assessors for the assessment districts in Wilmington hundred, shall be held by ballot biennially in the hundreds aforesaid, (excepting Wilmington hundred, which election for assessor shall be held quadrennially) on the Tuesday next after the first Monday in November, at the same time and in the same places as are now appointed by law for holding the general election, and the said assessors shall be voted for upon the same ballots voted for other officers elected at the general election aforesaid.

The persons now holding the office of county assessor of the several districts of Wilmington hundred shall continue to hold office until the general election to be held in the year A. D. 1894, or until their successors are duly qualified.

SEC. 2. Immediately upon closing the election aforesaid and ascertaining the state of the vote, the inspector and judges of the election in the several hundreds aforesaid shall make and sign four certificates of the persons elected as assessor and inspector for said hundred, and shall cause the same to be transmitted without delay, to wit: one to the assessor elected, one to the inspector elected, one to the clerk of the peace of the county, to be laid before the levy court, and one to the sheriff of the county. Said certificates shall be of the following form, viz:

— COUNTY, SS.

At an election held in — hundred, on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and —, — was duly elected assessor, and — was duly elected inspector.

OF ELECTIONS.

In testimony whereof we, the judges of said election, who were in due manner sworn or affirmed before opening said election, have hereunto set our hands the day and year aforesaid.

The person having the highest number of votes for said offices, respectively, shall be chosen; but if two or more persons shall have an equal and at the same time the highest number of votes for either of said offices the inspector shall give an additional casting vote.

Counting of
votes.

Tie.

SEC. 3. If the hundred in which said election is held is divided into two or more election districts, the inspector and judges of the election in each of said districts shall make and sign certificates according to Section 2 of this act, varying from the form therein prescribed for that purpose by omitting the assessor, and in lieu of including the election of assessor in such certificate they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor.

Division of
hundred
into several
districts.

Form of
certificate.

SEC. 4. The inspector and judges of each election district, where said hundred is divided into two or more election districts, shall assemble on the day next succeeding said general election, at 12 o'clock, M., at the place of voting in said hundred as now by law required for the place of assembling of the presiding officers and judges of the election heretofore held on the first Tuesday of October respectively, and shall ascertain the aggregate number of votes given in all the districts of said hundred for each person voted for for assessor. The candidate having the highest number of votes shall be declared duly elected assessor. If two candidates for said office shall have the highest and an equal number of votes, an additional casting vote shall be given by the inspector of that election district in said hundred as now by law given to the presiding officer of said district of the election heretofore held on the first Tuesday in October for the election of assessors and inspectors. *Provided, however,* that the provisions of this section shall not apply to Wilmington hundred.

Meeting of
inspectors
and judges.

Time.

Ascertain-
ment of
votes.

Tie.

Not appli-
cable to Wil-
mington
hundred.

* * * * *

SEC. 6. The duties of the assessors and inspectors elected under the provisions of this act shall be the same as those prescribed by law for the assessors and inspectors heretofore elected on the first Tuesday of October, and all laws applica-

Duties of
assessors
and inspec-
tors.

OF ELECTIONS.

Present laws applicable when not inconsistent with this act

ble to assessors and inspectors heretofore elected under the provisions of Chapters 17 and 19 of the Revised Statutes of this State, and not inconsistent with this act, shall apply to assessors and inspectors of the several hundreds and assessment districts hereafter to be elected under the provisions of this act.

Inspectors at last general election.

Vacancies.

Section 1, Chapter 20, Volume 18, Levy Court Commissioner to appoint inspector. Powers.

Duty of Clerk of the Peace.

Duty of Levy Court Commissioner.

SEC. 7. For the purpose of carrying into effect the object and purposes of this act, the inspectors at the last general election in the several hundreds and election districts in this State shall be the inspectors in said several hundreds and election districts at the general or any special election to be held next succeeding the passage of this act; and in case of any vacancy among said inspectors by death, resignation, removal out of the hundred or election district, refusal to serve, or otherwise, or in case of any such vacancy among the inspectors to be hereafter elected as aforesaid, the levy court commissioner of the hundred in which such vacancy shall happen shall appoint some qualified voter of such district or hundred to be the inspector thereof, who shall have all the powers and perform all the duties given to and imposed upon inspectors of elections; and in case of such vacancy it shall be the duty of the clerk of the peace of the county in which such vacancy may happen to notify the levy court commissioner of the hundred in which the vacancy exists, who shall immediately upon receiving such notice appear in the office of the clerk of the peace of the county and appoint some person to fill such vacancy. But if, from any cause, such vacancy exists at the time of holding said general election, the provisions of Section 10, Chapter 18 of the Revised Code, 1874, shall apply as heretofore.

* * * * *

SEC. 9. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

OF ELECTIONS.

CHAPTER 21, VOLUME 15.

Of the General Election.

SEC. 1. The general election, in and for the several counties, on the Tuesday next after the first Monday of November, shall be held in the respective hundreds of said counties [outside the city of Wilmington], at the places hereinafter appointed for that purpose, that is to say :

Time of
holding.
Places.
Amendment
Chapter 362,
Volume 11.

FOR NEW CASTLE COUNTY.

In *Brandywine Hundred*. East Election District, at the tavern house called the "Practical Farmer;" Southern Election District, at the store now occupied by Samuel Moore, at Maplewood; Northern Election District, at Sharpley's Schoolhouse.

Brandywine
Hundred.
Chapter 82,
Volume 12.
Chapter 6,
Volume 19.

In *Christiana Hundred*. North Election District, at the Rodney Inn; South Election District, at district schoolhouse No. 21, at Newport; Western Election District, at house of George Lancaster, in Centreville.

Christiana
Hundred.
Chapter 385,
Volume 13.
Chapter 4,
Volume 17.

In *Mill Creek Hundred*. Western Election District, at district schoolhouse No. 37, at Milford Cross Roads; Northern Election District, at district schoolhouse No. 29, at Hockessin; Eastern Election District, at Marshallton, in the storehouse now occupied by David Ecoff.

Mill Creek
Hundred.
Chapter 7,
Volume 19.

In *White Clay Creek Hundred*. East Election District, at public schoolhouse in the village of Christiana; West Election District, at the old tavern occupied by Benjamin F. Herdman, in Newark.

White Clay
Creek Hun-
dred.
Chapter 353,
Volume 14.

In *Pencader Hundred*. In the house now occupied as a tavern by James Merritt, in Glasgow.

Pencader
Hundred.

In *New Castle Hundred*. Northern Election District, at Court House, in the City of New Castle; Southern Election District, in Red Men's Hall, in the City of New Castle.

New Castle
Hundred.
Chapter 8,
Volume 19.

In *Red Lion Hundred*. East Election District, at district schoolhouse No. 76, in Delaware City; West Election District, in the house now occupied as a tavern by John Sutton, Jr., in the village of St. Georges.

Red Lion
Hundred.
Chapter 386,
Volume 13.

OF ELECTIONS.

St. Georges Hundred. Chapter 2, Volume 14. In *St. Georges Hundred*. Eastern Election District, at the hotel now occupied by William T. Chance, in the village of Odessa; Western Election District, at the hotel now occupied by George W. Ortlip, in Middletown.

Appoquinimink Hundred. Chapter 4, Volume 15. In *Appoquinimink Hundred*. At the hotel now occupied by James C. Townsend, in the village of Townsend.

Blackbird Hundred. Chapter 467, Volume 18. In *Blackbird Hundred*. At the office of the Road Commissioners for Blackbird Hundred, in the village of Blackbird.

FOR KENT COUNTY.

Duck Creek Hundred. In *Duck Creek Hundred*. At the tavern now called the ———, in Smyrna.

Kenton Hundred. Chapter 383, Volume 13. In *Kenton Hundred*. At Kenton Hotel, in the town of Kenton.

Little Creek Hundred. In *Little Creek Hundred*. At the office occupied by Ezekiel W. Reed, in the town of Leipsic.

East Dover Hundred. Chapter 415, Volume 17. In *East Dover Hundred*. Election District No. 1, at the State House, in Dover; Election District No. 2, in brick schoolhouse, on Governor's avenue, in Dover.

West Dover Hundred. Chapter 596, Volume 11. In *West Dover Hundred*. At the storehouse occupied by Henry Whitaker, in Hazlettsville.

North Murderkill Hundred. In *North Murderkill Hundred*. At the office occupied by Garrett Luff, in Camden.

South Murderkill Hundred. Chapter 450, Volume 18. In *South Murderkill Hundred*. Election District No. 1, at the tavern occupied by George C. Herring, in Felton; Election District No. 2, at the "Delaware House," in the town of Frederica.

Mispillion Hundred. In *Mispillion Hundred*. At the hotel of Benjamin T. Fleming, in Harrington.

Milford Hundred. In *Milford Hundred*. At the house occupied as a tavern by James Tomlin, in Milford.

FOR SUSSEX COUNTY.

Cedar Creek Hundred. In *Cedar Creek Hundred*. At schoolhouse of consolidated School Districts Nos. 2, 100, 103 and 104, in the town of Milford.

Broadkill Hundred. In *Broadkill Hundred*. At the Milton Academy, in Milton.

OF ELECTIONS.

In *Georgetown Hundred*. At the Court House, in Georgetown.
Georgetown Hundred. Chapter 217, Volume 8.

In *Nanticoke Hundred*. At Bethel, or Passwaters' Cross Roads, at the house lately occupied by Jacob Carpenter.
Nanticoke Hundred.

In *North West Fork Hundred*. At the house now occupied as a tavern by Manlove Adams, in Bridgeville.
Northwest Fork Hundred.

In *Seaford Hundred*. At the Academy, in the town of Seaford.
Seaford Hundred. Chapter 384, Volume 12.

In *Broad Creek Hundred*. At District Schoolhouse No. 45.
Broad Creek Hundred. Chapter 12, Volume 16.

In *Little Creek Hundred*. At Laurel, at the house now occupied as a tavern by George W. Wootten.
Little Creek Hundred.

In *Dagsboro Hundred*. At the house now occupied as a carriage shop by William Baker.
Dagsboro Hundred.

In *Gumboro Hundred*. At the office now owned by J. E. Hearn.
Gumboro Hundred. Chapter 13, Volume 16.

In *Baltimore Hundred*. [Some convenient place in the village of Roxana to be designated by the inspector, for the time being, of Baltimore hundred.]
Baltimore Hundred.

In *Indian River Hundred*. At the old storehouse of Wesley W. Stevenson.
Indian River Hundred.

In *Lewes and Rehoboth Hundred*. At Lewes, at the house occupied as a tavern by Edward Watson.
Lewes and Rehoboth Hundred.

SEC. 2. If at any time it shall be impracticable to hold the election in any hundred at the place appointed by law, the inspector of such hundred shall have power to appoint some other place in said hundred, as near as can be conveniently obtained to the place herein directed; and he shall give public notice of the place so appointed, by advertisements posted in at least five of the most public places of the hundred, if circumstances will admit of such notice being given; but if not, then he shall give such public and general notice as the circumstances will permit.
Change of place. Notice of.

SEC. 3. The sheriff of each county shall, after the twenty-third and before the twenty-seventh day of October in the year of holding the general election, deliver to the inspector of each hundred of his county two suitable ballot boxes,
Ballot boxes

OF ELECTIONS.

Lists. with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next general election, an alphabetical list of the names of all the * * * male citizens, of the age of twenty-one years and upwards, residing and assessed in such hundred, (or election district, where a hundred is divided into two or more election districts), written or printed forms of tally lists, of certificates of election in said hundred, of the oath or affirmation of the inspector and the persons to be taken as judges of the election, and of the certificate of administering such oath or affirmation, with written or printed directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same, and shall also deliver to each inspector, as aforesaid, a stamp of not less than one inch in diameter, with the name or number of the proper hundred, ward or election district, and the year, month, and day of the month on which such general election shall be held; and also ink of a suitable kind to be applied to such stamp. The said stamp shall be so arranged that the date may be changed. Any judge neglecting or refusing to stamp the receipt, when required to be produced, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined one hundred dollars or imprisoned three months, or both fine and imprisonment, at the discretion of the court.

Lists of voters. Amendment Chapter 642, Volume 11; Chapter 539, Section 3, Volume 12. Tally lists. Certificates. Stamp and ink to be delivered to each inspector. Description. Chapter 330, Volume 16. Penalty for refusing to stamp tax receipt.

Boxes, how made. SEC. 4. The ballot boxes shall each be of sufficient size to contain all the ballots of the hundred, with one of the tally lists and certificates of election; in the lid of one of the boxes there shall be a hole, sufficient only to admit with convenience one ballot; and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole, and it shall be so constructed as to be secured with tape and sealing wax.

Lists of voters. SEC. 5. The said alphabetical list shall be made and certified by the clerk of the peace of the county, under his hand and seal of office; and, as to every person whose name shall be contained in such list, and who shall appear by any certificate recorded in the office of said clerk to be naturalized, the word "naturalized" shall be distinctly affixed to the name of every such person; such alphabetical list shall be delivered by the clerk of the peace to the sheriff on some day in the month of August next preceding the general election.

Naturalized. To be furnished in August.

Tally lists, how made. SEC. 6. There shall be two of the said tally lists, each of which shall consist of a margin on the left for the names of

OF ELECTIONS.

the person voted for, and squares formed by parallel lines, drawn from left to right, and from the bottom to the top of the sheet, each square to be sufficient to contain five distinct rows or five distinct dots of a pen in each row, and there shall be a sufficient number of squares in each row of squares from left to right to contain more dots than any person will probably receive votes in the hundred.

SEC. 7. There shall be two of the said certificates of election, which may be according to the following form, viz:

Form of
certificate.

— county and — hundred, ss. At the general election, held in said hundred (Tuesday next after the first Monday), in November, A. D. eighteen hundred and —, the votes stand as follows:

Amendment
Chapter 362,
Volume 11.

For the office of Governor,		
received		votes
received		votes
For the office of Representative in Congress.		
received		votes
received		votes
For the office of Senator in the General Assembly,		
received		votes
received		votes
For the office of Senator in the General Assembly in lieu of—,		
received		votes
received		votes
For the office of Representative in the General Assembly,		
received		votes
received		votes
and so on,		
For the office of Levy Court Commissioner,		
received	votes for	hundred
received	votes for	hundred
For the office of Sheriff.		
received		votes
received		votes
For the office of Coroner.		
received		votes
received		votes

And we further certify that the clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed. In testimony whereof, we the judges of said election for said hundred, have hereunto set our hands

OF ELECTIONS.

the day and year aforesaid. In the said written or printed forms of certificates, before the same shall be delivered by the sheriff as above directed, the name of the county and hundred and the date of the year shall be inserted in the blanks for said purposes in the foregoing form; and the offices to be filled at the election shall be inserted with blanks under each to contain the names of the persons who may be voted for, with the number of votes; and the offices not to be filled at the election shall be omitted.

Form of
oath.

SEC. 8. The form of the oath or affirmation to be administered to the inspector and judges shall be as follows, viz:

I——— do solemnly swear (or affirm) that in the election to be this day held, I will not knowingly, or willfully, receive, or consent to the receiving of, the vote of any alien, and also that I will not receive, or consent to the receiving of, the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote; that I will not receive or reject, nor concur in receiving or rejecting, any vote through partiality or under bias; and that I will determine every matter that shall come before me, and perform every act and duty by law required of me, touching the said election, truly, faithfully and impartially, according to the best of my skill and judgment; that I will cause the ballots that shall be taken at this election to be fairly read and ascertained, and a true statement thereof to be made, according to the best of my knowledge and ability; and that if I shall discover any partiality, unfairness, or corruption in the conducting of the said election, I will disclose the same to the attorney general, to the end that the subject may be investigated, so help me God, (or so I solemnly affirm). There shall be three distinct forms of the foregoing oath or affirmation written or printed on one sheet; which forms shall be numbered and distinguished as No. 1, No. 2, and No. 3. On the same sheet, after the last of said forms, shall be written or printed a form for the certificate of the qualification of the inspector and judges, as follows, to wit:

Certificate.
Amendment
Chapter 362,
Volume 11.

——— county, and —— hundred, ss. We, the subscribers, inspector and judges for said hundred of the general election therein held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and —— certify, that on said day, before opening the said election in said hundred, the foregoing oath or affirmation was duly administered to each of us, according to law;

OF ELECTIONS.

the blanks in which said certificate shall be filled by the sheriff, or by his order, before delivering the same to the inspector.

SEC. 9. The inspector of each hundred shall, within two days after receiving from the sheriff a list of officers to be chosen at the general election, give public notice of the time and place of holding the then next general election in his hundred, and of the officers to be voted for at such election, by advertisements posted in at least five of the most public places in his hundred. Notice of election.

SEC. 10. If at the time for holding the general election there shall be no inspector of any hundred, or if he shall be absent from the place of election at nine o'clock of the forenoon of the day of the election, the electors there shall proceed forthwith, without ballot, to choose from among the qualified voters of the hundred there present an inspector of the hundred; and in choosing such inspector, the justices or justice of the peace residing in the hundred, and if no such justice shall be present, the constables or constable of the hundred who may be present, and if no such constable shall be present, then two qualified voters of the hundred, to be nominated and appointed by the electors, shall be the judge or judges. Substitute for inspector

SEC. 11. The inspector shall be a judge of the general election, and the presiding officer. There shall also be two other judges of the said election, to be chosen from among the qualified voters of the hundred, as follows, that is to say: one of the said judges shall be chosen by the inspector, and the other by the person who at the election for inspector next previous received the next highest number of votes for said office. If at the time for opening the general election the said judges or either of them shall not have been chosen as aforesaid, a majority of the voters then present may select such judge, or judges, in such manner as at the time may be deemed most expedient for ascertaining the sense of the majority. Judges of election.

SEC. 12. If any person chosen to be a judge of an election shall refuse to serve, he shall forfeit and pay to the State a fine of fifty dollars, upon conviction thereof by indictment in the Court of General Sessions of the Peace and Jail Delivery in the county where such offence is committed. How chosen
Failure to elect judges.
Penalty for refusal to serve.

OF ELECTIONS.

Oath of
election
officers.

Signed.

SEC. 13. Before opening the election the inspector and judges shall each take an oath or affirmation, according to the form prescribed in Section 8, such oath to be administered to the judges by the inspector, and by one of them to him; and they shall each, after taking such oath or affirmation, sign one of the written or printed forms thereof delivered to the inspector by the sheriff of the county, as provided in Section 8, that is to say: the form distinguished as No. 1 shall be signed by the inspector, his name being first inserted in the blank; the form No. 2 shall be signed by one of the judges, his name being first inserted in the blank; and the form No. 3 shall be signed by the other judge, his name being first inserted in the blank. Before signing the said forms, it shall be ascertained whether the inspector, or either of the judges, conscientiously refuses to take an oath; and in case of such conscientious refusal the form for the person so refusing shall be made correct by effacing the words "*swear or*" in the beginning, and "*so help me God*" in the end of the form; but as to the person who shall not conscientiously refuse to take an oath, the form shall be made correct by effacing the words, "*or affirm*," in the beginning, and the words "*or so I solemnly affirm*," at the end of the form. The inspector and judges shall also sign the certificate of their qualification as written or printed upon the sheet containing the aforesaid forms.

Clerks of
election.

SEC. 14. Each of the said judges, after being duly qualified, shall choose one clerk of the election, to whom the inspector, or one of the judges, shall administer an oath or affirmation, as follows:

Oath.

You do solemnly swear (or affirm) that as clerk of this election you will not use or assent to any falsehood, fraud or deceit, and that you will keep the polls, and perform your duties, truly, faithfully and impartially, so help you God (or so you solemnly affirm). If in reading the votes and keeping the tally lists it shall become necessary to appoint one or more additional clerks, the inspector and judges may do so; administering to each clerk, so appointed, the foregoing oath or affirmation. No other certificate need be made of the oath or affirmation administered to the clerks than that contained in the form of the certificate of election prescribed in the second section.

Boxes,
how kept.

SEC. 15. Before opening the election, the inspector and judges shall also examine the ballot box provided with a

OF ELECTIONS.

lock and key, and see that the same contains nothing; the box shall then be locked and the key delivered to one of the judges, who shall keep the same; and the box shall be kept by the inspector or the other judge, so that the person having the key shall not have possession of the box till the same shall be opened as herein directed.

SEC. 16. The inspector and judges of the election, and the clerks shall, during the time of the election being open, be and continue in a room or place by themselves, separate from the other electors; and no person, other than such inspector, judges and clerks, during the time of the election being open, shall be admitted within such room or place.

Election officers to be in a separate room.

SEC. 17. The general election shall be opened in every hundred on the Tuesday next after the first Monday in the month of November, in the year in which the same is held, between the hours of eight and nine o'clock in the morning, by the inspector making proclamation that the same is open.

Election opened between the hours of 8 and 9 o'clock A. M. Amendment Chapter 25, Volume 14.

SEC. 18. Each qualified elector shall deliver a single ballot, containing the names of the persons voted for, to the inspector, who shall audibly pronounce the name of the elector, which shall be entered in words at length upon a list of polls to be kept by each of the clerks, whom the judges shall direct to that duty, and one of the judges shall write against it, on the alphabetical list delivered by the sheriff to the inspector as aforesaid, the word "*voted*;" there shall be no examination of a ballot, except to determine that it is single; and the inspector shall, immediately after pronouncing the elector's name, put the ballot into the box in his presence, unless the vote shall be objected to. Either of the judges may require any person offering to vote on the ground of having paid a tax, to produce the receipt for such tax; and if the vote of such person is taken, the said receipt shall be immediately stamped on the face thereof, by one of the judges, with the stamp provided for by Section 3. If a vote be objected to on the ground that the person offering to vote is not the person named in the tax receipt, either of the judges may require such person to produce proof under oath of his identity. Either of the judges may administer a proper oath to any person testifying in that behalf, and the question of identity shall be determined according to the opinion of a majority of the judges.

Mode of voting.

Poll lists..

Tax receipts to be produced and stamped. When. How.

Identity.

How proven

SEC. 19. If a vote be objected to, its admission or rejection

OF ELECTIONS.

Challenged votes. tion shall be determined according to the opinion of a majority of the judges; but either of the judges may require the inspector to administer to a person claiming to vote, whether he have paid a tax or not, the following oath or affirmation: *You do solemnly swear (or affirm) that you are of the age of twenty-one years, and not arrived to the age of twenty-two years; and to any person offering to vote on the ground of having paid a tax and being otherwise qualified, according to the constitution, the following oath or affirmation: You do solemnly swear (or affirm) that you are of the age of twenty-two years, and that you, at this time, reside in this hundred, and that you have not voted and will not vote on this day in any other hundred, and that you have resided in this county one month, and in this State one year next before this election, and that you have, within two years, paid a county tax which was assessed at least six months before this election;* any person refusing to take such an oath or affirmation, if so required, shall not be permitted to vote; but no person shall be required or permitted to take either of the said oaths or affirmations, if the judges, or a majority of them, shall, from their own knowledge or the circumstances appearing, consider that such person is not entitled to vote.

Oath of elector under twenty-two.

Over twenty-two.

Refusal.

Not to be allowed to swear, when.

Perjury. SEC. 20. If any person shall, in taking either of the oaths or affirmations mentioned in the foregoing section, swear or affirm falsely, he shall suffer the same punishment as shall at the time be provided by law against willful and corrupt perjury.

Amended Volume 17, Chapter 32. Election closed at 6 o'clock. Notice. SEC. 21. The election shall be continued open until six o'clock in the afternoon, when it shall be closed. The inspector shall, one-half hour before closing the election, make proclamation that the same will be closed in that time.

Counting votes; mode. Publicly. SEC. 22. When the election shall be closed, the inspector and judges shall, openly and publicly, unlock the box containing the ballots, and shall remove the lid so far as that the ballots can be taken separately from the box. One of the judges shall keep in his custody the said box, while another shall publicly, in the presence of the other judges and such of the electors as shall think proper to be present, take the ballots, one by one from the box and read the same. When a ballot shall be read, it shall be put into the other box delivered by the sheriff to the inspector, as provided in the second section, it being first seen that the said box contains nothing, and the same being kept during the reading in the

Custody of boxes.

Disposition of ballots.

OF ELECTIONS.

possession of one of the judges; and two clerks at least shall keep accurate count of the ballots as they are read, which shall be done on such tally lists as aforesaid, by writing the name of every person voted for in the margin under a designation of the office for which the vote is given to him, and making a distinct dot with a pen in the squares in the row against such name for every vote such person shall receive for the same office; and each square, when full, shall contain five rows of dots, each row consisting of five dots; and each clerk shall, upon the reading of the name, repeat it with the number of the dots in the row, pronouncing at the last dot in the square, "*tally full*," and at the first dot of the succeeding square, "*one of a new*." If the same person shall be voted for for different offices, his name shall be written in the margin for each office, and a just count kept of the votes given to him for each office.

Tally.
How made.

The reading and counting of the votes shall be continued, without interruption or adjournment, until completed.

SEC. 23. When the reading and counting of the votes is completed, the inspector and judges shall forthwith make and sign two certificates of the election in their hundred, according to the form prescribed in Section 7, stating every office for persons to fill which votes shall have been given at said election, the name of every person to whom any vote shall have been given for such office, and the number, in words at length, of votes given to such person for the said office. The tally lists shall be signed by the inspector, judges and clerks, and deposited, with one of said certificates, in the box into which the ballots shall have been put when read; and the lid of said box shall be secured by tape, crossed and sealed in sealing wax, by one of the judges (not being the inspector). The other certificate and the ballot boxes shall be kept by the inspector, and produced at the court house as required in the section next following.

Certificates
of result.

Number of
votes, how
to be written

Signed.

Sealed.

Custody.

SEC. 24. The inspectors of the several hundreds in each county shall meet on the Thursday next succeeding the day of the general election, at twelve of the clock, noon, at the court house of their county. The inspectors of New Castle county shall meet on the Thursday succeeding the day of the general election, at ten o'clock a. m., at the court house of the county. The sheriff of the county shall attend at the same time and place; and the said sheriff and inspectors shall be a board of canvass, of which the sheriff shall be the pre-

Meeting of
inspectors.

Amended
Chapter 43*,
Volume 17.
Board of
canvass.

OF ELECTIONS.

siding officer; but if the sheriff shall be dead, or shall not attend, then the coroner of the county shall be a member and the presiding officer of the said board; but if the coroner shall not be in attendance, the prothonotary of the county shall be a member and the presiding officer of said board; but if he shall not be in attendance, then the inspectors present shall appoint one of their number to be the presiding officer of said board, and the said board may appoint clerks as they may deem proper.

Inspectors
to produce
certificates.

And boxes,
stamps, &c.

Sealed box
may be
opened;
when.

To be sent
in case of
death, &c.

Penalty for
not attend-
ing board of
canvass.

Arrest.

SEC. 25. Each inspector shall, at the said time and place last mentioned, deliver to the sheriff, or other presiding officer of the board, the certificate of election for his hundred, so signed as aforesaid, and also the ballot boxes, the one being secured as aforesaid, and shall also deliver the stamp and appurtenances mentioned in Section 3. If the certificate of election for any hundred cannot be produced, the ballot box for that hundred may be opened and the certificate therein contained taken and used, and again deposited in said box, which shall be secured as before.

SEC. 26. If any inspector, after the election and before the meeting of the board of canvass, shall die, or be prevented from attending the meeting by sickness, or accident, the certificate of election and ballot boxes for his hundred shall be sent by safe and secure conveyance (for the safety of which the inspector, or his executors or administrators, or heirs, shall be responsible), on the said Thursday next succeeding the day of the general election to the court house of the county, and there to be delivered to the sheriff of the county, or other presiding officer of the board of canvass, by twelve of the clock, noon.

SEC. 27. If any inspector shall neglect or refuse to attend the said board of canvass, not being necessarily prevented as aforesaid; or, if the certificate of election, or the ballot boxes for any hundred, shall not be produced or sent and delivered to the sheriff, or other presiding officer of the board of canvass, as before required, the sheriff, or other presiding officer of the board of canvass, shall have power to issue his warrant, under his hand, to any person or persons whom he may appoint, commanding such person or persons, without delay, to arrest and bring to the meeting of the board of canvass such inspector so neglecting or refusing to attend, and to obtain and produce to the board of canvass the certificate of election and ballot boxes which such inspector

OF ELECTIONS.

ought to have produced and delivered to the sheriff, or presiding officer of said board; or if a command for arrest shall at any time be improper, then such warrant may command the person or persons to whom it shall be directed, without delay to obtain and produce to the board of canvass the certificate of election and ballot boxes that shall not have been produced, or sent and delivered as hereinbefore required; and the person or persons to whom such warrant shall be directed are required and strictly enjoined to execute the same, and to call and command any assistance that may be required.

Production
of certifi-
cates, &c.

SEC. 28. The said board of canvass shall publicly, in the presence of such electors of the county as shall think proper to be present, ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall have been given, in all the hundreds of the county, for every person voted for for such office.

Summary of
vote.

SEC. 29. After the state of the election shall have been ascertained, by calculating the votes as aforesaid, the sheriff or other presiding officer of the board of canvass and the inspectors present at the said board shall, before any adjournment or separating of said board, make under their hands the following certificates, to wit: four certificates of the election of Governor, certifying in words at length the number of votes given for every person voted for for that office; two certificates of the election of a representative or representatives, as the case may be, of this State in the House of Representatives of the United States in Congress, certifying in words at length the number of votes given for every person voted for for that office; two certificates of the election of senator or senators, and two certificates of the election of representatives for the county in the General Assembly; two certificates of the election of sheriff; two certificates of the election of coroner; and one certificate of the election of levy court commissioners, or of such said officers as shall have been voted for at the said election. The sheriff, or other presiding officer of the board of canvass, shall inclose and seal up each of said certificates separately in a paper, with an indorsement thereon describing the certificates inclosed. Upon the paper inclosing the certificates of the election of senators or representatives in the General Assembly, the names of the person chosen shall be indorsed.

Certificates
of election

Governor.

Representa-
tive in Con-
gress.

Senators.

Representa-
tives.
Sheriff.

Coroner.

Levy Court,

Inclosing
and indors-
ing.

OF ELECTIONS.

Form of
certificates.

SEC. 30. The aforesaid certificates may be according to the following form, to wit:

Amendment
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Volume 11.

The State of Delaware, ——— county, ss. Be it remembered, that at the general election held on the Tuesday next after the First Monday in November, in the year of our Lord one thousand eight hundred and ——— for ——— county, according to the constitution and laws of the State of Delaware, [here insert, to wit, if the certificate be of an election of Governor or of representative in Congress, the number in words at length of votes given for each person voted for for said respective offices; if the certificate be of an election of senator or of representatives in the General Assembly, or of levy court commissioners, or of sheriff or coroner, the names of the persons elected] which is manifest by calculating and ascertaining the aggregate amount of the votes given for each person voted for, according to the provision made by law in this behalf. In testimony whereof, we, the sheriff of the said county [or ——— of the county, presiding officer of the board of canvass, duly officiating because of the non-attendance (or death, as the case may be), of the sheriff] and the inspectors of the several hundreds of the said county, who have this day met and ascertained the state of the said election throughout the said county, as the law requires, have hereunto set our hands at the court house in said county, on Thursday the ——— day of November, being the Thursday next succeeding the day of the election aforesaid, in the year aforesaid.

How filled
up.

And the manner of making the insertion aforesaid may be as follows, to wit:—

Governor.

In case of Governor—

*votes were given for**for Governor;**votes were given for**for Governor;*

and so on, naming each person voted for.

Representa-
tive in Con-
gress.

In case of Representative to Congress,—

*votes were given for**for Representative to Congress;**votes were given for**for Representative to Congress;*

and so on, naming each person voted for.

Senators.
Representa-
tives.

In case of Senators or Representatives to the General Assembly— *was duly chosen Senator [or, and were duly chosen Senators] for said county in the General Assembly; and* *was duly chosen Senator for said county in lieu of* *late Senator for said*

OF ELECTIONS.

*county in the General Assembly; were
duly chosen Representatives for said county in the General
Assembly;*

In case of Sheriff or Coroner,— Sheriff, &c.
was duly chosen Sheriff [or Coroner as the case
may be] *of said county;*

And in case of Levy Court Commissioners,— Levy Court.
*was duly chosen Levy Court Commissioner
for hundred; and so on.*

SEC. 31. If, by reason of an equal number of votes having Tie votes.
been cast for two or more persons for the office of senator or
representative in the General Assembly, it shall appear to
the said board of canvass that a vacancy will occur in said
office, a certificate of such fact shall thereupon be made Certificate
under the hand of the sheriff or other presiding officer and of, to Gov-
the inspectors present; which certificate shall be delivered ernor.
by the sheriff, or presiding officer, with the aforesaid certi-
ficates of election, to the Governor, as hereinafter is provided.

SEC. 32. The sheriff or other presiding officer of the How deliv-
board of canvass shall, either personally, or by a person ered and
deputed by him for that purpose, deliver and lodge the said filed.
certificates of the election for Governor, according to the
directions of the constitution in this behalf, and shall lodge
one of said certificates of the election of senator or senators,
and one of the said certificates of the election of representa-
tives for the county in the General Assembly, in the office of
the prothonotary of Kent county; and shall deliver one of
said certificates of the election of representative or represen-
tatives in the House of Representatives of the United States,
and one of said certificates of the election of sheriff, and one
of said certificates of the election of coroner, to the Governor,
and lodge the other of the said certificates, and the said cer-
tificate of the election of levy court commissioners, in the
office of the clerk of the peace of the county, all within five
days next ensuing the day of calculating the votes and ascer-
taining the state of the election as aforesaid; and further shall
deliver, on the first day of the meeting of the General As-
sembly after the election, the other certificate of the election
of senator or senators to the Senate, and the other certificate
of the election of representatives for the county to the House To the Leg-
of Representatives. The prothonotary of Kent county shall, islatore.
on any day of the meeting of the General Assembly, deliver, When.
if required, the certificate of election of senators or of repre-

OF ELECTIONS.

sentatives to the order of the house to which it belongs, or to any person named in the endorsement thereon.

Papers to be
filed with
Clerk of the
Peace.

SEC. 33. Each inspector shall, on the Thursday next preceding the day of the general election, deliver into the office of the clerk of the peace of his county the oaths or affirmations that shall have been signed by the inspector and judges of the election in his hundred, and the certificate of said oaths or affirmations being administered, to be made and signed as directed in the thirteenth section, and the two lists of the polls kept at the election as before directed, and the alphabetical list aforementioned, with the notes of "voted" as the same shall have been made thereon; all which shall be filed in the office of the said clerk, and shall be public records, and as such admissible as evidence.

Sheriff to
keep boxes.

SEC. 34. The sheriff shall preserve the ballot boxes containing the ballots, certificate and tally lists deposited therein as before directed, safely, and secured in the manner in which the same shall have been delivered to him, until the last day of February next after the election; and if a sheriff shall not be presiding officer of a board of canvass, then the said ballot boxes shall be delivered by the presiding officer of said board to the sheriff of the county, safely and securely, as soon as circumstances will admit thereof.

Substitute.

To be deliv-
ered to the
Senate,
when.

SEC. 35. The Senate shall have power to compel a delivery to that body of the ballot boxes aforesaid, or of the certificate of the election of Governor, or of the certificate of the election of any member or members of that body, and for that purpose, to order and cause to be arrested and brought before them, any sheriff, coroner, prothonotary, or other officer presiding at a board of canvass, and to adjudge him guilty of a contempt for neglect or refusal to deliver any such certificate, and to proceed against him accordingly; and the House of Representatives shall have power to compel the delivery of said ballot boxes, or of the certificate of election of any members of that body, in like manner and by like proceedings.

To the
House,
when.

SEC. 36. Repealed by Chapter 122, Volume 13, Delaware Laws, Section 2.

SPECIAL ELECTION FOR GENERAL ASSEMBLY.

Vacancies.

SEC. 37. Whenever a vacancy shall happen in either branch of the General Assembly, whether by the death, resignation, or removal of a member, by a tie vote at the

OF ELECTIONS.

general election, or otherwise, the speaker of the house in which the vacancy happens (if the General Assembly be then sitting), or (if it be not sitting at the happening of such vacancy), the Governor shall immediately issue writs of election for filling such vacancy, directed to the sheriff of the county in which such vacancy happens. Writs of election.

SEC. 38. If a writ of election to fill a vacancy in the Senate be issued after an adjournment, without day, of the General Assembly, and not less than ten days before the holding of the general election, the said writ shall be executed at the time of holding the next general election; the election to fill the vacancy pursuant to said writ being held by the same persons and in all respects as the general election, unless a session of the General Assembly shall, in the meantime, be convened by the Governor. When executed.

SEC. 39. If a vacancy shall happen in the House of Representatives after an adjournment without day, of the General Assembly, no writ of election shall be issued under Section 37, unless the Governor shall also issue a writ for convening the General Assembly. Not to issue; when.

SEC. 40. The sheriff shall, on the next day after receiving a writ of election, unless the same shall be Sunday, and then on the Monday next following, put up on the outside of the court house door of his county, and also in one of the most public places of each hundred of his county, a proclamation reciting the said writ and appointing a day for holding a special election pursuant thereto—such day not to be more than five nor less than four days next after the day of receiving the writ exclusive of that day; subject, however, to the provisions of the thirty-eighth section in cases falling within that section. Notice by Sheriff. Proclamation.

SEC. 41. The sheriff shall also, upon receiving a writ of election, deliver a written notice thereof, and of the day appointed for holding an election pursuant thereto, to the inspector of each hundred of his county who served at the preceding general election; or if such inspector of any hundred be dead, removed, or unable to serve, then to the assessor of such hundred: and the said sheriff shall, in such written notice, require the inspector or assessor to produce the certificate of the election, to be held in his hundred, at the court house of his county, on the day next after the day of holding the election by twelve o'clock, noon. Notice to inspector.

OF ELECTIONS.

Notice by
inspector.

SEC. 42. Every inspector or assessor receiving such notice as aforesaid, shall forthwith give public notice thereof by advertisements posted in at least five of the most public places of his hundred, stating the day and place of the election and the officer or officers to be chosen.

Presiding
officer; who.

SEC. 43. The inspector of the hundred who shall have served at the next preceding general election, or in case of his death, removal, or inability, the assessor of the hundred, shall be the presiding officer for such special election; and if both inspector and assessor shall be absent from the place of election at the time for opening the same, the electors present shall choose a presiding officer, as above prescribed in the tenth section of this chapter for choosing a presiding officer at the general election.

Judges of
election.

SEC. 44. The presiding officer of such special election shall, before opening the same, take to his assistance, from among the qualified electors of the hundred, two persons to be judges of the election; who shall be subject to the same penalty for a refusal to serve, and shall, with the presiding officer, be qualified in like manner as is provided in case of the general election.

Place.

SEC. 45. Every special election shall be held in each hundred at the place appointed by law for holding the general election, and shall be opened, conducted and closed at the same time, and in the same manner, and under the same regulations as the general election.

Manner.

Board of
Canvass.
Amended,
Chapter 432,
Volume 17.

Sheriff pre-
sides.

Substitutes.

Result.

SEC. 46. The inspectors of the several hundreds shall, on the day next after the day of holding a special election, at twelve of the clock, noon, meet at the court house of the county as a board of canvass. The sheriff of the county shall then and there attend as the presiding officer of the said board; and in case of his absence, the coroner shall act; and in case of his absence, the prothonotary of the county shall act, and in case of his absence, a presiding officer shall be chosen by the inspectors present. The certificates of the election in the several hundreds, shall be produced and the state of the election throughout the county shall be ascertained, and certificates thereof shall be made and returned, in the same manner and under the same regulations as provided for the general election; and the sheriff, or other presiding officer of the board of canvass, shall have the same power for compelling the attendance of inspectors and obtaining the certificates of election as in case of the general election.

OF ELECTIONS.

CHAPTER 20, REVISED CODE.

Election of Electors of President and Vice President.

SEC. 1. The electors to be appointed in this State for the election of a President and Vice President of the United States, shall be chosen by ballot by the citizens of the State having right to vote for representatives in the General Assembly.

How chosen

SEC. 2. For this purpose an election shall be held on the Tuesday next after the first Monday (in the month of November) of the year in which such electors are to be chosen, in the several counties of this State at the places in the hundreds respectively at which the general election in the same year is held; but if it be impracticable to hold the election at any such place, the inspector shall appoint some other place and give notice thereof as prescribed in relation to the general election.

Election;
when held.
Amendment
Chapter 8,
Volume 11.
Where.

SEC. 3. The Governor, in October next preceding every election to be held pursuant to this act, shall by proclamation make known the number of the electors to be chosen, and the day of said election.

Proclama-
tion.

SEC. 4. The election shall be conducted in the same manner and form and by the same persons and officers, and under the same regulations in all respects, as the general election for the same year.

Election,
how con-
ducted.

SEC. 5. The inspectors of the several hundreds shall meet at the court house of the county on the Thursday next following the election at 12 o'clock noon as a board of canvass to ascertain the state of the vote in the county. Their proceedings shall in all respects be subject to the provisions in that behalf of Chapter 18, respecting the general election. Before separating they shall make under their hands three certificates of said election in their county, certifying the names of all the persons voted for, and the number of votes given to each in words at length: which said certificate shall within three days after the meeting of the said board of canvass be delivered by the presiding officer thereof, personally or by deputy, as follows, to wit: one to the Governor, another to the Secretary of State, and the other to the prothonotary

Board of
Canvass.
Amended,
Chapter 439,
Volume 17.

Certificates,
how made.

OF ELECTIONS.

How delivered. Papers. of the county. The lists of the polls, the lists of voters, and alphabetical lists shall be delivered by the several inspectors to the clerk of the peace of the county, agreeably to Section 33 of Chapter 18.

Proclamation of result. SEC. 6. The Governor shall without delay examine the certificates and ascertain the electors chosen, and make known the same by proclamation, and cause notice of his election to be transmitted to each elector. He shall also cause three lists of the names of the electors, duly made and certified, to be delivered to the electors, according to the act of Congress in that behalf on or before the day appointed for their meeting.

Lists.

No election. SEC. 7. If upon examining the aforesaid certificates it shall appear to the Governor that there has been a failure to choose one or more of the electors to be appointed in this State as aforesaid, or if from any cause electors shall fail to be chosen as hereinbefore prescribed, he shall immediately issue writs for convening the General Assembly, at Dover, on the fourth Monday of the same November; and the elector or electors to be appointed in this State for the election of a President and Vice President of the United States and not chosen at the election held pursuant to the provisions of this chapter, shall be appointed by ballot by the General Assembly so convened in joint meeting of the Senate and House of Representatives.

Legislature convened.

To appoint.

Mode of choosing, SEC. 8. In such joint meeting there shall be a distinct balloting for each elector, and a majority of all the votes given shall be necessary to an appointment; but if upon any balloting two persons only shall be voted for, and each shall receive an equal number of votes, the Speaker of the Senate shall give an additional casting vote; if upon twice balloting in succession more than two persons be voted for, and one of said persons on each balloting receive one-half the number of all the votes given, the Speaker of the Senate may, on the second balloting, give an additional casting vote to the person having one-half of the number of all the votes given, or if he decline, the Speaker of the House of Representatives may, if he think proper, give an additional casting vote to the person having one-half of said vote.

Tie.

Casting vote.

Controlling vote.

Disqualification. SEC. 9. No member of the General Assembly for the time being shall be appointed an elector of President and Vice President under the foregoing section.

OF ELECTIONS.

SEC. 10. Certificates of such appointment by the General Assembly shall be duly made and signed by the Speaker of the Senate and the Speaker of the House of Representatives, and attested by the clerks of said houses respectively, and shall be transmitted by the Speaker of the Senate as follows, to wit: one to the Governor, in order that lists may be made, certified and delivered, according to the act of Congress in that behalf, and one to each of the electors appointed. Certificates, how made. How delivered.

SEC. 11. The electors chosen or appointed in this State for the election of a President and Vice President of the United States shall meet and give their votes at Dover on the day determined by Congress for that purpose. Electors' meeting. Voting.

SEC. 12. In case of the death or inability to attend of either of the electors, or if either of the electors be not present at the said time and place of meeting by twelve of the clock, noon, of the said day, the electors present shall appoint an elector in the place of him so not present. Substitutes.

SEC. 13. The electors may employ a clerk, who shall receive for his services the sum of ten dollars. Clerk.

SEC. 14. The electors respectively shall receive for attendance and travel the same compensation as members of the General Assembly, to be paid, as also the compensation of the clerk, by the State Treasurer, on a warrant signed by the electors, out of any money in the treasury not otherwise appropriated. Pay. Orders.

CHAPTER 21, REVISED CODE.

Election of Representatives in Congress.

SEC. 1. An election for choosing a representative or representatives, as the case may be, for the people of this State in the Congress of the United States, shall be held on the [Tuesday next after the first Monday] of November, in the year in which the general election is held, in the several counties in this State, at the same places at which the election for members of the General Assembly of this State shall, for the time then being be held, in said counties respectively. Time of election. Amendment Chapter 362, Section 2, Volume 11. Places.

SEC. 2. Such election for representative or representatives in Congress, shall be conducted in the same manner How conducted.

OF ELECTIONS.

and form, by the same persons and officers, and under the same regulations in all respects, as the election for members of the General Assembly; and the votes given in each county for representative or representatives in Congress, shall be calculated and ascertained at the same time and place, in the same manner and by and under the same means and regulations as those for members of the General Assembly.

Returns. SEC. 3. Returns shall be made to the Governor as the law directs; and the Governor shall, without delay, examine the returns, and declare the person or persons elected, and shall issue certificates of such election under his hand and the great seal of the State; one of which he shall transmit to the Secretary of State of the United States, and one to the person elected, or if more than one, to each of them; the returns shall be filed in the office of the Secretary of State; and the Governor shall, by proclamation, make public the state of the vote by causing the same to be published in one or more of the public newspapers of this State.

Certificates.

How sent.

Filed.

Proclamation.

SPECIAL ELECTION.

Vacancies; how filled. SEC. 4. Whenever a vacancy shall happen by death, resignation or otherwise, in the representation from this State in the House of Representatives of the United States, an election shall be held to fill such vacancy on such day as the Governor shall appoint, in the several counties of this State, at the same places which at the time shall be prescribed by law for holding the general election.

Where.

Writs of election. SEC. 5. The Governor shall issue writs of election to the sheriffs of the several counties, reciting the vacancy, and commanding each sheriff to cause an election to be held in his county on the day in said writ mentioned, at the places by law prescribed for holding the general election in said county, for choosing a representative in place of him whose seat shall have so become vacant; which writ shall be delivered to each sheriff at least seven days before the day therein appointed for holding the election.

Notice by Sheriffs. SEC. 6. Each sheriff shall, within ten days after receiving such writ, put up on the outside of the court house door of his county, and also at one of the most public places in every hundred of his county, a proclamation reciting the said writ and requiring an election to be held pursuant thereto, and shall also deliver such a proclamation to the inspector of each hundred in his county, who shall have served at the

OF ELECTIONS.

general election then next preceding, or in case of his death, removal or inability to serve, to the assessor of such hundred.

SEC. 7. Such inspector or assessor shall forthwith, after receiving such proclamation, give notice of the election by advertisements under his hand, posted in at least five of the most public places of his hundred. Notice by Inspectors, &c.

SEC. 8. A special election for representative or representatives in Congress, shall be conducted in the same manner and form, and by the same persons and officers; and under the same regulations in all respects as a special election to supply a vacancy in either house of the General Assembly; and the votes given in each county shall be calculated and ascertained at the same time and place and in like manner and by the same method and regulations as in case of such special election. Special elections, how held.

SEC. 9. Returns shall be made to the Governor, who shall declare the person elected, and grant certificates and issue proclamation as prescribed in the third section of this chapter. Returns.

SEC. 10. It shall be in the discretion of the Governor whether to appoint a day for holding such elections before the day of holding the general election next after the happening of such vacancy; and if the day of holding the general election shall be appointed, then the election shall be held and conducted and all the proceedings touching the same had, according to the provisions of the first three sections of this chapter. Governor's direction as to time.

CHAPTER 23, REVISED CODE.

Of Contested Elections.

SEC. 1. Any person intending to contest the election or the eligibility of any one returned by the board of canvass as a member of either branch of the General Assembly, from either of the counties of this State, shall, at least twenty days before the meeting of the General Assembly, give written notice of such intention to the person whose seat he intends to contest, and within ten days after said notice, shall deliver to him a written specification of the several grounds upon which it is intended to contest the said election or the Contesting seats in the Legislature. Notice of. Specifications.

OF ELECTIONS.

Illegal votes. eligibility of the person so returned as aforesaid, and if one of said grounds shall be that illegal votes were given at such election for the person so returned, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote.

Names.

Grounds.

Counter specifications.

SEC. 2. The person returned as aforesaid shall, within fifteen days after receiving such notice, deliver to the person so contesting his seat a like specification of objections to the right of the contestant to such seat.

Affidavits.

SEC. 3. Every specification as aforesaid shall be verified by affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true, and that the voters specified as illegal voters were not entitled by law to vote at the election in question.

Copies, how delivered.

SEC. 4. Copies of said notice and specifications verified as aforesaid shall be delivered to the Speaker of the House having cognizance of the matter; the contestant to deliver his notice and specifications with his petition on the first day of the session, and the sitting member so to deliver a copy of his specifications to the said Speaker when he delivers them to the contestant.

Restrictions

SEC. 5. In the trial of the case of contested election the parties shall be restricted to the grounds of objection in the specifications set forth, and shall not examine into the illegality of any votes other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

Costs.

SEC. 6. If the house having cognizance of the matter shall determine that the sitting member is not entitled to his seat, it may order that the costs incurred by such contested election be paid by the county from which such member shall have been returned as duly elected; and in that case provision for the payment of such costs shall be made by the levy court of the said county at its next session after the adjournment of the General Assembly.

In frivolous cases.

SEC. 7. The said house in determining against the claim of the contestant may also decide that the proceeding on his part is frivolous and vexatious, and may order that he shall pay all the costs of the said contested election; but without such order the contestant shall not be liable to costs, and the same shall be paid by the State as heretofore in like cases.

Costs of contest.

OF ELECTIONS.

SEC. 8. Any order for the payment of costs by the contestant shall be enforced by a writ issued by the speaker of the house in which such election was contested, to the sheriff of Kent county, directing him to levy and make the amount thereof of the goods and chattels, lands and tenements of the said petitioner, under which writ the said sheriff shall sell the same, or such part thereof as may be necessary to satisfy said writ, upon fifteen days' notice posted as required in cases of sale on execution process, and shall pay over the amount by him received upon said writ to the State Treasurer, for the purpose of reimbursing to the treasury the sums drawn therefrom to pay the costs of said contested election.

Execution
for costs.

CHAPTER 33, VOLUME 17.

An Act in Relation to Contested Elections other than for Members of the General Assembly and Governor.

SEC. 1. Any person claiming to be elected to an office to be exercised in and for any county or hundred may contest the right of any person declared to be duly elected to such office for any of the following causes, to wit: 1st. For mal-conduct on the part of the officers or judges holding the election, or any one of them; 2d. When the person whose right to the office is contested was not at the time of the election eligible to such office; 3d. When the person whose right is contested has given to any elector or inspector, judge or clerk of the election, any bribe or reward, or shall have offered any bribe or reward for the purpose of procuring his election; 4th. On account of illegal votes.

Who may
contest.

Causes.

SEC. 2. No inequality or improper conduct in the proceedings of the officers or judges aforesaid, or any one of them, shall be construed to amount to such mal-conduct as to annul or set aside any election, unless the inequality or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he has not received the highest number of legal votes cast at said election.

When irreg-
ularities
shall not in-
validate.

SEC. 3. When any election held for an office, exercised in and for a county, is contested for any mal-conduct on the part of the officers or judges of election, or any one of them, in any hundred or election district, the election shall not be

Not void ex-
cept in cer-
tain cases.

OF ELECTIONS.

annulled or set aside upon any proof thereof unless the rejection of the vote of such hundred or hundreds, election district or election districts, shall change the result as to such office in the remaining vote of the county.

When set
aside for
illegal voting

SEC. 4. Nothing in the fourth ground or cause of contest specified in the first section of this act shall be so construed as to authorize an election to be set aside or annulled on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

Proceeding
in case of in-
eligibility of
person
elected.

SEC. 5. In cases arising under the second and third causes of contest, specified in section one of this act, a proceeding may be instituted under this act against such person by the person who received the next highest number of votes for the office at the election under which such ineligible person was declared elected, notwithstanding the person so contesting the election does not claim to have been elected.

Written
statement
to be filed by
contestant.
What to
contain.

SEC. 6. When any person authorized to do so under this act shall desire to contest the right of any person declared duly elected to such office, he shall, within twenty days after the result of the election shall have been officially ascertained by the board of canvass, or officers legally authorized to ascertain the same, file with the prothonotary of the Superior Court of this State, in and for the county in which said contest is made, a written statement, setting forth specifically: 1st. The name of the person contesting such election; 2d. The name of the person whose right to the office is contested; 3d. The office; 4th. The particular cause or causes of such contest; which statement shall be verified by the affidavit of the contesting party, that the matters and things therein contained are true, as he verily believes, and that the said contest is made in good faith.

What
alleged in
case of ille-
gal voting.

SEC. 7. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were given to the person whose election is contested in the specified hundred or hundreds, election district or election districts, which, if taken from him, will reduce the number of his legal votes below the number of

OF ELECTIONS.

legal votes given to some other person for the same office, but no testimony shall be received of any illegal votes unless the party contesting such election shall deliver to the opposite party, at least four days before the trial, a written list or statement: 1st. Of the number of illegal votes and the general character of their illegality; 2d. The hundred or hundreds, election district or districts in which said votes were cast; 3d. That he intends to prove, or endeavor to prove, the contents of said statement in the trial. And no testimony shall be received of any greater number of illegal votes than is specified in such list. The name or names of the alleged illegal voters need not be given in said list or statement.

Written statement to opposite party. What to contain.

SEC. 8. No statement of the cause or causes of contest shall be rejected, nor the proceedings thereon dismissed for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceeding or cause for which the election is contested.

No statement rejected for want of proper form. Exception.

SEC. 9. Before such statement being filed as aforesaid, it shall be the duty of the said prothonotary to docket the said case in the appearance docket, as an issue to be tried at the next succeeding term of the Superior Court of said county, and immediately issue a citation for the person whose right to the office is contested, to appear on the first day of the next succeeding term of said court to make such defence as he may have in said case; which citation shall be delivered to the sheriff, or, if he be a party to the contest, to any constable of the county, and be served by him upon the party defendant in person, or, if he cannot be found, by leaving a copy thereof at the house where he last resided, at least five days before the day to which such citation is returnable. The original citation shall be returned to said prothonotary on or before the first day of the next term of said court after it is issued, and the manner of service shall be endorsed thereon and signed by the officer serving the same.

Duty of Prothonotary.

Citation.

Notice. How served.

Return.

SEC. 10. The court may dismiss the proceedings if the statement of the cause or causes of contest do not conform to this act, or for want of prosecution. If said proceedings are not so dismissed, the case shall proceed upon its merits and be tried and determined by the court, by the rules of law and evidence governing the determination of questions of law and facts in the courts of law in this State, so far as the same

Court may dismiss.

OF ELECTIONS.

- are applicable. And the said cause shall be tried at the first term of said court next after the filing of the statement of the cause or causes of contest, unless the court, for some good cause shown by either party, and supported by affidavit, deem it necessary for the ends of justice to continue the same. The costs of the continuance may, in the discretion of the court, be taxed upon the party applying therefor.
- When triable.**
- Costs of continuance.**
- Costs.** SEC. 11. The costs in all cases of contest under this act shall be awarded to the various parties entitled thereto, in the same manner, and as near as can be, to the same amount as for like services in other cases tried in said court.
- Trial by Court.** SEC. 12. All cases of contest under this act shall be fully heard and determined by the court, without the aid or intervention of a jury, *unless* one or both of the parties to the contest shall claim a trial by jury, and the court shall, in their judgment, determine that it is a case which, under the constitution and laws of the State, the party or parties are entitled to a trial by jury. In such case a jury shall be empanelled and the cause proceed according to the rules and practice of the court in jury trials.
- Exception.**
- Jury.**
- Jurisdiction.** SEC. 13. In the trial of any contested election under this act, the court shall have full authority to make an examination of the ballots given in such election, so far as the same may be necessary to arrive at a correct judgment, and may make and enforce by attachment all necessary orders to obtain possession of the same, and after hearing the allegations and proofs in the cause, shall render judgment (in accordance with the verdict of the jury, if a jury shall have tried said cause), either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested duly elected.
- Judgment of Court.** SEC. 14. If it appear by the judgment of the court or the verdict of the jury (if there be a jury), that any other person than the one whose election is contested received the highest number of legal votes, judgment shall be rendered declaring such person duly elected; which judgment, if it be in relation to an officer entitled under the provisions of law of this State to a commission, must be certified by the prothonotary of said court to the Governor, who must commission such person, and such judgment shall have the effect of depriving the person whose election is contested of all right or claim to such office, and of investing the person declared by such judgment duly elected with the right to the same,
- Prothonotary to certify to Governor.**
- Effect of judgment.**

OF ELECTIONS.

and the court shall order a writ of possession to issue for the same. Said writ shall be directed to the sheriff, or if he be a party to the contest, to any constable of the county. The officer's fee for executing the said writ shall be the same as is now allowed for serving other writs of possession. Writ for possession. Fee.

SEC. 15. When the person whose election is contested is proved to be ineligible to the office, judgment shall be rendered declaring the election void and the office vacant, and such proceedings shall then be had as in vacancies happening from any other cause. When it shall appear that two persons have received an equal number of legal votes for the same office, the provisions of law heretofore in force for the settlement of such cases shall prevail, if there be any such provision; if there be none, then the said office shall be adjudged and declared vacant, and such proceedings shall then be had as in vacancies happening from any other cause. When election is void. Vacancies, how filled

SEC. 16. Judgment for costs shall be rendered in all cases against the unsuccessful party to the contest, and execution may issue against him for the same. Execution for costs.

SEC. 17. Any person contesting any election under the provisions of this act, shall be required to give security for costs in such amount and manner as the court shall order. Such security, however, shall in no case be enforced unless judgment for costs be rendered against the contestant. Contestant to give security for costs

 CHAPTER 22, VOLUME 18.

An Act Concerning the Appointment of Electors of President and Vice President.

SEC. 1. Any person intending to contest the election of any one declared by the Governor to have been chosen an elector of President and Vice President of the United States shall, within ten days after such declaration by proclamation of the Governor, give written notice of such intention to the person whose election he intends to contest and also to the Governor; and within five days after the delivery of said notice shall deliver to the person whose election he contests and to the Governor written specification of the grounds upon which it is intended to contest the said election of the person so declared to have been elected as aforesaid; and if one of the grounds shall be that illegal votes were given at such Notice of contest of election of electors shall be given within ten days. Shall deliver within five days written specifications of grounds.

OF ELECTIONS.

What set forth. election for the person declared to have been elected, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote; and shall also distinctly set forth and state the hundred and election district or precinct at which the alleged illegal vote was cast.

Hundred, election district or precinct, shall be stated.

Person whose seat is contested shall within ten days deliver to person contesting and Governor his objection. SEC. 2. The person declared to have been elected as aforesaid and who has received notice of contest as aforesaid, shall, within ten days after receiving specification of the grounds of contest, deliver to the person so contesting his election, and to the Governor, a like specification of objection to the right of the contestant to be declared an elector; and in such specification may also state any other ground upon which he rests the validity of his election.

Specification shall be verified by affidavit. SEC. 3. Every specification as aforesaid shall be verified by the affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true; and that the voters specified as illegal voters were not entitled by law to vote at the election in question.

Specification verified to be delivered to canvassing board. SEC. 4. The notice and specification verified as aforesaid, which shall have been delivered to the Governor, shall be by him delivered to the canvassing board, hereinafter created, together with the certificates of the votes given for each person voted for for elector as returned to him by the respective boards of canvass under the election laws of this State, on the first day of the assembling of the canvassing board herein created.

Parties shall be restricted to ground of objection in specifications. SEC. 5. In the trial of the case of a contested election the parties shall be restricted to the grounds of objections in the specifications set forth; and the statements of the other grounds upon which the person declared to have been elected rests the validity of his election; and shall not examine into the illegality of any other voter other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

The illegality of other votes shall not be inquired into.

Party declared elected or contestant may apply to the Prothonotary of Kent County for subpoenas. SEC. 6. Where any contestant or person who has been declared elected, and whose election is contested, is desirous of obtaining testimony respecting a contested election, he may apply to the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, for a subpoena

OF ELECTIONS.

or subpoenas for summoning such witnesses as he may wish to appear before the board of canvass at such time as shall be in the subpoenas designated. Such subpoena shall be directed to the sheriff of the county in which the witness or witnesses reside, and shall be served in the same manner as subpoenas for witnesses in civil cases are served. The sheriff to whom a subpoena may be directed shall make return of his service thereon to the said board of canvass on the first day of its meeting to hear the contest.

Subpoenas to be directed to Sheriff of county where witnesses reside
Sheriff shall make return.

SEC. 7. The Superior Court of the State of Delaware, in and for Kent County, is hereby created and declared to be a board of canvass to hear and determine all contests of elections of electors of President and Vice President, with power to regulate and determine the mode of procedure, and all other matter pertaining thereto as may be necessary in carrying out the provisions of this act and the act of Congress fixing the day of the meeting of electors, passed February 3, A. D. 1887; and it shall be the duty of the Governor, whenever a notice of contest is served upon him, immediately to make proclamation convening said Superior Court in special session at the court house in Dover, on a day to be by him named, which shall not be later than the twentieth day of December next succeeding the day of the election in the year in which the election was held.

Superior Court of State of Delaware for Kent county created a Board of Canvass.

Duty of the Governor.

SEC. 8. The said Superior Court, after hearing any contest of election of an elector or electors, shall make out and certify, under the seal of the court, the ascertainment of the vote of the State for electors, and also certify the names of the persons chosen as electors, and cause said ascertainment and certificate, together with all the papers and certificates filed in the case, to be delivered to the Governor on or before the first day of January next succeeding the day of the election at which electors were chosen.

Duty of the Superior Court.

OF ELECTIONS.

CHAPTER 329, VOLUME 16.

An Act to Secure Free Elections.

Intimidation at elections by persons or corporations prohibited.

SEC. 1. That if any person or corporation, existing or doing business in this State, shall hinder, control, coerce or intimidate, or shall attempt to hinder, control, or coerce, or intimidate any qualified elector of this State from or in the exercise of his right to vote at any general, special or municipal election held under the laws of this State, by means of bribery, or by threats of depriving such elector of employment or occupation, absolutely or contingently, directly or indirectly, every such person or corporation so offending shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State of Delaware a fine of not less than five hundred nor more than two thousand dollars, or be imprisoned (if a natural person) not more than one year, or both, in the discretion of the court. And every elector so aggrieved may also, in an action of debt brought for that purpose, sue for and recover from the person or corporation so offending as aforesaid the sum of five hundred dollars.

Penalty.

Action of debt.

Extent of liability of corporations

SEC. 2. That in all trials under the provisions of the foregoing section, the act or acts of any officer of a corporation, so far as they affect or concern any employé or servant of such corporation, shall be taken and held to be the act or acts of the corporation, whether general or special authority as to such act or acts from the corporation to such officer be shown or not. But nothing herein contained shall be construed to relieve any officer of a corporation from individual liability under the provisions of this act.

OF ELECTIONS.

CHAPTER 8, REVISED CODE.

Of the Levy Court.

* * * * *

SEC. 2. The commissioners in each county [except New Castle county] shall be elected by ballot at the general election in such county by the citizens thereof having right to vote for representatives; and they shall respectively hold their office for four years, commencing on the first day of February next after their election; and if a vacancy occur before the general election next preceding the expiration of such term, the Governor shall appoint a suitable person, residing in the hundred where the vacancy happened, to supply it. The appointment thus made shall continue until the first day of February next after the next general election, when the voters of said county, qualified as aforesaid, if the regular term does not expire by the first day of February following, shall elect a commissioner for the residue thereof. If at any election for levy court commissioners two or more persons shall have an equal, and at the same time the highest number of votes for levy court commissioner of the same hundred, the Governor shall appoint a suitable person, residing in the hundred where a vacancy is thus occasioned, to supply said vacancy. The appointment thus made shall continue until the first day of February next after the next general election.

How elected

Term of
Levy Court
Commissioner.Amended,
Chapter 314,
Volume 16.
Vacancies.
How supplied.Amended,
Section 1,
Chapter 173,
Volume 11.Amended,
Chapter 314,
Volume 16.

CHAPTER 26, VOLUME 19.

An Act in Relation to the Levy Court of New Castle County.

* * * * *

SEC. 3. That the county of New Castle shall, for the purposes of this act, be and the same is hereby divided into five districts, to wit: One shall be composed of the hundreds of Brandywine, Christiana and Mill Creek, and shall be known as the First District; another shall be composed of all that portion of the city of Wilmington lying north of Sixth street, and shall be known as the Second District;

New Castle
county divided
into five districts.Boundaries
and divisions
of districts.

OF ELECTIONS.

another shall be composed of all that part of the city of Wilmington lying south of Sixth street, and shall be known as the Third District; another shall be composed of the hundreds of Red Lion, New Castle, Pencader and White Clay Creek, and shall be known as the Fourth District; the remaining district shall be composed of the hundreds of St. Georges, Appoquinimink and Blackbird, and shall be known as the Fifth District.

Election of
Levy Court
Commis-
sioners.

SEC. 4. That at the general election to be held in the year 1892, and at the general election to be held in every fourth year thereafter, there shall be elected from among the resident freeholders of each of said districts, by the qualified voters thereof, one person to be a levy court commissioner of New Castle county, to hold office for the term of four years, commencing on the first Tuesday in the month of January next following such election. * * * * *

Contested
elections.

Should any two or more persons voted for as levy court commissioners of any district receive an equal and the highest number of votes cast at such election, the board of canvass shall certify the fact to the Governor, who shall forthwith select one of said persons to be the levy court commissioner from said district. * * * * *

Election and
qualification
of Receiver
of Taxes
and County
Treasurer.

SEC. 6. * * * * * That at the general election in the year A. D. 1892, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle county qualified to vote for members of the General Assembly, a person, being a resident freeholder as aforesaid, to fill the said office of Receiver of Taxes and County Treasurer. The person so elected, as aforesaid, shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. * *

Term of
office.

Election of
Comptroller.

SEC. 16. * * * * * That at the general election in the year A. D. 1892, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle county, qualified to vote for members of the General Assembly, a person, being a resident freeholder as aforesaid, to fill the office of County Comptroller. The person so elected as aforesaid shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. * * * * *

Term of
office.

OF ELECTIONS.

CHAPTER 27, VOLUME 19.

Of the Election of County Treasurer.

* * * * *

SEC. 5. At the general election to be held in Kent county in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof, having a right to vote for representatives, shall elect by ballot some person resident in said county, to be County Treasurer, who shall hold his office for the term of two years commencing on the Thursday next following the first Tuesday in February next succeeding said general election. * * * * *

Election of
County
Treasurer.

Term of
office.

CHAPTER 28, VOLUME 19.

Of the Election of County Treasurer.

* * * * *

SEC. 5. At the general election to be held in Sussex county in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof, having a right to vote for representatives, shall elect by ballot some person resident in said county to be County Treasurer, who shall hold his office for the term of two years, commencing on the Thursday next following the first Tuesday in February next succeeding said general election. * * * * *

Election of
County
Treasurer.

Term of
office.

OF ELECTIONS.

CHAPTER 31, VOLUME 17.

An Act in Relation to the Election of Road Commissioners in New Castle County.

Election of
road com-
missioners.Term of
present com-
missioners.

Certificates.

To whom
transmitted.

Form.

Certificates
when hun-
dred is
divided.

Meeting.

SEC. 1. The qualified voters of the several hundreds in New Castle county shall, biennially, at the general election held on the Tuesday next after the first Monday in November, elect the road commissioners for said hundreds according to the rotation now established. All of said commissioners, whose terms of office would otherwise have expired before the time of holding the general election next after the passage of this act, shall continue to hold office until the time of holding the same.

SEC. 2. Immediately upon closing the election aforesaid in the several hundreds, and ascertaining the state of the vote, the inspector and judges of the election in said hundred, unless said hundred is divided into two or more election districts, shall make and sign certificates of the person or persons elected road commissioner or commissioners, as the case may be, and shall cause the same to be transmitted without delay, to wit: One to each of the road commissioners elected, and one to the clerk of the peace of the county, to be filed in his office. Said certificates shall be of the following form, viz:

NEW CASTLE COUNTY, SS.

At the general election held in ——— hundred on the Tuesday next after the first Monday in the year of our Lord one thousand eight hundred and ———, ——— was duly elected road commissioner for said hundred.

In testimony whereof we, the judges of said election for said hundred, have hereunto set our hands the day and year aforesaid.

SEC. 3. If the said hundred in which said election is held is divided into two or more election districts, the inspector and judges in each of said election districts shall make and sign a certificate of the number of votes given for each person voted for as road commissioner. The inspectors and judges of each of the election districts of said hundred shall assemble on the day next succeeding said election, at the

OF ELECTIONS.

same time and in the same places of voting as now by law ^{When and where.} required for the meeting of presiding officers and judges of the election heretofore held on the first Tuesday in October, and ascertain the aggregate number of votes given in said ^{Ascertain-} election districts for each person voted for for road commis- ^{ment of vote} sioner, and the person or persons, according as there may be one or more elected, having the highest number of votes for road commissioner or commissioners, shall be declared duly elected road commissioner or road commissioners; and the said inspectors and judges of said election districts in said hundred shall make, sign and transmit certificates of said ^{Certificate.} election, as provided in Section 2 of this act. If two candi- ^{Tie.} dates for said office of road commissioner or commissioners shall have the highest and an equal number of votes, a casting vote shall be given by the presiding officer of said election, or, in case said hundred is divided into two or more election districts, by the presiding officer of the election district of said hundred, as directed by the several acts of the General Assembly dividing the several hundreds into two or more election districts, which casting vote so given shall elect the candidate in whose favor it is given.

LAWS

RELATING TO GENERAL, SPECIAL AND MUNICIPAL ELECTIONS IN THE CITY OF WILMINGTON.*

CHAPTER 192, VOLUME 18.

AN ACT to amend the Charter of the City of Wilmington.

SEC. 1. The City of Wilmington shall be divided into twelve wards. The First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Wards shall be bounded as heretofore. The Tenth Ward shall comprise all that territory lying and being between Adams and Franklin streets, and between Sixth and Linden streets. The Eleventh Ward shall comprise all the territory within its present limits. The Twelfth Ward shall comprise all that territory lying between Franklin street and the easterly side of Greenhill avenue and between Sixth street extended, and Linden street extended, westerly to the easterly side of Greenhill avenue.

City of Wilmington divided into twelve wards. Boundaries of wards.

SEC. 2. For the purpose of holding elections for State, county and city officers in Wilmington city and hundred, the city shall be divided into twenty-seven election districts. The first twenty-three of the said election districts and the several polling places established in each, shall be as is now established by law.

City divided into twenty-seven election districts. Amended, Chapter 268, Volume 17.

All that portion of the First Ward lying and being south of Third street shall form the First Election District;

First district

All that part of the First Ward lying and being north of Third street shall form the Second Election District;

Second.

All that part of the Second Ward lying and being south of the Christiana creek or river shall form the Third Election District;

Third.

*See Section 7, Chapter 16, Revised Code, as printed on page 80 of this pamphlet. See also Chapter 39, Volume 19, printed on pages 45-74 preceding.

OF ELECTIONS.

- Fourth. All that part of the Second Ward lying and being north of the Christiana creek or river shall form the Fourth Election District;
- Fifth. All that portion of the Third Ward lying and being south of Fourth street and east of Madison street shall form the Fifth Election District;
- Sixth. All that portion of the Third Ward lying and being south of Fourth street and west of Madison street shall form the Sixth Election District;
- Seventh. All that portion of the Third Ward lying and being north of Fourth street shall form the Seventh Election District;
- Eighth. All that portion of the Fourth Ward lying and being west of Lombard street shall form the Eighth Election District;
- Ninth. All that portion of the Fourth Ward lying and being east of Lombard street shall form the Ninth Election District;
- Tenth. All that portion of the Fifth Ward lying and being east of Washington street shall form the Tenth Election District;
- Eleventh. All that portion of the Fifth Ward lying and being west of Washington street and east of Adams street shall form the Eleventh Election District;
- Twelfth. All that portion of the Fifth Ward lying and being west of Adams street shall form the Twelfth Election District;
- Thirteenth. All that portion of the Sixth Ward lying and being south of Eighth street shall form the Thirteenth Election District;
- Fourteenth. All that portion of the Sixth Ward lying and being north of Eighth street and South of Tenth street shall form the Fourteenth Election District;
- Fifteenth. All that portion of the Sixth Ward lying and being north of Tenth street shall form the Fifteenth Election District;
- Sixteenth. All that portion of the Seventh Ward east of Franklin street and south of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Sixteenth Election District;
- Seventeenth. All that portion of the Seventh Ward lying and being east of Franklin street and north of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Seventeenth Election District;
- Eighteenth. All that portion of the Seventh Ward lying and being west

OF ELECTIONS.

of Franklin street shall form the Eighteenth Election District;

All that portion of the Eighth Ward lying and being south of Eighth street shall form the Nineteenth Election District;

All that portion of the Eighth Ward lying and being north of Eighth street and south of Tenth street shall form the Twentieth Election District;

All that portion of the Eighth Ward lying and being north of Tenth street shall form the Twenty-first Election District;

All that portion of the Ninth Ward lying and being east of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-second Election District;

All that portion of the Ninth Ward lying and being west of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-third Election District.

* * * The polling places in the several election districts above designated shall be as follows: Voting places.

In the First Election District, at the house situated on the northeast corner of Second and Tatnall streets; First district

In the Second Election District, at the house situated on the northeast corner of Second and Orange streets;

In the Third Election District, at the house situated on the southeast corner of Heald and Apple streets;

In the Fourth Election District, at the house known as the "Felton House," on the southeast corner of Second and Walnut streets; Fourth.

In the Fifth Election District, at the house situated on the northeast corner of Christiana and Madison streets;

In the Sixth Election District, at Witsil's store, on the southwest corner of Front and Madison streets;

In the Seventh Election District, at the house situated on the southeast corner of Fifth and Madison streets;

In the Eighth Election District, at the house on the northwest corner of Fourth and French streets; Eighth.

In the Ninth Election District, at the house situated on the southwest corner of Fifth and Spruce streets;

In the Tenth Election District, at the Lafayette Hotel, situated on the southwest corner of Ninth and Shipley streets; Tenth.

In the Eleventh Election District, at the house situated on the northeast corner of Sixth and Madison streets; Eleventh.

In the Twelfth Election District, at some convenient place in said district, to be chosen by the inspector and assistant inspectors of said district, or any two of them; Twelfth.

OF ELECTIONS.

Thirteenth. In the Thirteenth Election District, at the Askew building, situated on the northeast corner of Seventh and Market streets;

Fourteenth. In the Fourteenth Election District, in the building now owned by McLearn and Kendall, situated on the east side of King street, below Ninth street;

Fifteenth. In the Fifteenth Election District, at the house situated on the southwest corner of Fourteenth and King streets;

Sixteenth. In the Sixteenth Election District, at the house situated on the southwest corner of Tenth and Orange streets;

Seventeenth. In the Seventeenth Election District, at the schoolhouse known as the Howard School, situated on the east side of Orange street, between Twelfth and Thirteenth streets;

Eighteenth. In the Eighteenth Election District, at the house known as the "Logan House;"

Nineteenth. In the Nineteenth Election District, at the house situated on the northwest corner of Sixth and Church streets;

Twentieth. In the Twentieth Election District, at the house situated on the northeast corner of Eighth and Kirkwood streets;

Twenty-first. In the Twenty-first Election District, at the house situated on the southwest corner of Eleventh and Lombard streets;

Twenty-second. In the Twenty-second Election District, at the house situated on the southeast corner of Thirteenth and Heald streets;

Twenty-third. In the Twenty-third Election District, at the house known as the "Brandywine Academy;" * * * * *

Amendment Chapter 192
Volume 18. The Twenty-fourth Election District shall consist of all that portion of the Tenth Ward lying and being north of Second street, and the polling place for said district shall be at the southeast corner of Third and Van Buren streets;

Twenty-fourth District. The Twenty-fifth Election District shall consist of all that portion of the Tenth Ward lying and being south of Second street, and the polling place for said district shall be at the northeast corner of Chestnut and Van Buren streets;

Twenty-fifth District. The Twenty-sixth Election District shall consist of the Eleventh Ward as by this act constituted, and the polling place for said election district shall be at the northwest corner of Maryland avenue and Beach street;

Twenty-sixth District. The Twenty-seventh Election District shall consist of the Twelfth Ward as constituted by this act, and the polling place for said election district shall be at the southeast corner of Fourth and Scott streets.

Elections to be held in said districts. At the said election districts as provided in this section, shall be held the general election, all special elections for members of the General Assembly, and representative or

OF ELECTIONS.

representatives in Congress, electors of President and Vice-President of the United States, and elections for assessors of Wilmington hundred and inspectors for said election districts.

CHAPTER 30, VOLUME 17.*

An Act providing for the Election of three Assessors for Wilmington Hundred.

SEC. 1. That for the purpose of a more convenient assessment of persons and property in Wilmington hundred of the county of New Castle, the said hundred shall be divided into three assessment districts, as follows:

All the portion of said hundred comprised within the limits of the First, Second, Fourth and Eighth wards of the city of Wilmington, as now laid out and established by law, shall be the first assessment district of the said hundred; and all that portion of the said hundred comprised within the limits of the Third, Fifth, Tenth and Eleventh wards of the said city, as now laid out and established by law, shall be the second assessment district; and all that portion of the said hundred comprised within the limits of the Sixth, Seventh and Ninth wards of the said city, as now laid out and established by law, shall be the third assessment district.

SEC. 2 That an election for the purpose of choosing an assessor for each of the said assessment districts shall be held at the time and in the manner prescribed by Chapter 17* of the Revised Statutes of this State, pursuant to the laws now in force as to the election of county officers in the city of Wilmington.

SEC. 3. That every citizen qualified to vote for inspector of an election district in the said hundred of Wilmington may vote for an assessor of the assessment district within which such election district is comprised, and no person shall be elected assessor under the provisions of this act who shall not at the time of the election be a freeholder within Wilmington hundred and a resident in the assessment district for which he shall be elected.

*See Section 1, Chapter 29, Volume 17, as printed in this pamphlet on page 91.

OF ELECTIONS.

Assessment
in force till
general as-
sessment.

be inconsistent herewith. The assessments made under this act, however, shall stand and be acted on until the next general assessment, as now provided by the statutes of this State.

SEC. 9. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

CHAPTER 45, VOLUME 19.

An Act Providing Additional Constables.

Special con-
stables in
city of Wil-
mington at
general elec-
tions.
Who may
not be ap-
pointed.

SEC. 1. That whenever a "general election" is held in this State the Governor may, on the application in writing of at least fifty citizens residing in the city of Wilmington, appoint special constables within said city. No person shall be appointed a special constable under the provisions of this act who is not at the time of his appointment a qualified voter of of said city.

Duty of
special con-
stables.

SEC. 2. It shall be the duty of the special constables appointed under the provisions of Section one of this act to attend at all times for holding elections the polls in said city of Wilmington. Said special constables shall keep the peace, and support and protect the officers of election in the discharge of their duties, preserve order at such polls, prevent fraudulent voting thereat, and immediately, either at the place of voting, or elsewhere, and either before or after voting, to arrest and take into custody, with or without process, any person who commits or attempts or offers to commit any act or offense against the laws of this State; but no person shall be arrested without process for any offense not committed in the presence of the special constables or either of them, or of the election officers or either of them.

Arrests.

When ar-
rests may
not be made.

Arrests and
hearing be-
fore Justice
of the Peace

SEC. 3. Whenever any arrest is made under any provisions of this act, the person so arrested shall forthwith be brought before a justice of the peace for examination of the offense alleged against him; and such justice of the peace shall proceed in respect thereto as authorized by law in case of crimes against the State of Delaware.

OF ELECTIONS.

SEC. 4. That the special constables, whenever either or any of them is forcibly resisted in executing their duties under this act, or shall by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the special constable or special constables are authorized to make such arrest, are and each of them is empowered to summon and call to his aid the bystanders or *posse commitatus* of the city of Wilmington.

When a
*posse com-
mitatus*
may be sum-
moned.

SEC. 5. That there shall be allowed and paid to each special constable who is appointed and performs his duty under the preceding provisions compensation at the rate of five dollars per day for each day he is actually on duty, not exceeding three days, and the same shall be paid as other election expenses are paid.

Compensa-
tion.

CHAPTER 207, VOLUME 17.

An Act to Revise and Consolidate the Statutes relating to the City of Wilmington.

* * * * *

CITY OFFICERS.

SEC. 3. The city officers shall be a Mayor, a Council to be composed of one member from each ward of said city, a President of said Council who shall be *ex officio* a member and the presiding officer of said Council, a Treasurer, an Auditor, a Solicitor, a High Constable, two Assessors who shall also be Collectors, one Inspector and two assistant Inspectors of election for each election district, and such other officers as the Council by ordinance shall create and appoint.

City officers.
Amended
Chapter 660,
Volume 18.

* * * * *

SEC. 4. No person shall be eligible to any office who is not, at his election, a citizen of the State and a resident of the city. The Mayor must have resided in the city two years next before his election. A member of Council must also have resided in the city two years before his election, and must additionally be, at the time of his election, a resident in the ward in which he is elected and a freeholder in the city.

Eligibility.

Residence.

OF ELECTIONS.

Clergymen
ineligible.

No ordained clergyman, or ordained minister of the gospel, of any denomination, shall be eligible to any office established under or by virtue of this act.

* * * * *

MAYOR.

Amended
Chapter 660,
Volume 18.
Mayor's
election.

Term.

SEC. 6. At the city election to be held on the first Saturday in June, A. D. 1891, and on the same day in every second year thereafter, the voters in the respective election districts shall vote for a Mayor, who shall be elected by a plurality of all the votes cast in the several election districts. The Mayor shall hold office for the term of two years, commencing on the first day of July succeeding his election.

* * * * *

Appoint-
ments made
by Council to
fill vacanciesElections
when held.

SEC. 11. In case of the death, removal from the city, resignation, or refusal to act of the Mayor or any other elective officer of said city, or in case of the removal of any member of Council out of the ward for which he was elected, the Council shall make temporary appointments to supply such vacancies until the same can be filled by election under the provisions of this act. Such election shall be for the unexpired term of such officer, and shall take place at the first city election occurring more than nine days after the commencement of such vacancy, unless such vacancy shall occur in the last year of the term of said officer, in which case the temporary appointment of Council shall be for the unexpired term of said officer, and until his successor shall be duly elected and qualified. The provisions of this section shall apply to any elective office to which a person who has been elected thereto shall be found ineligible, or shall fail to give bond for the faithful performance of the duties of his office (when such bond is required by law) before the time fixed for entering upon the duties of his office.

* * * * *

Who shall
compose
Council after
July, 1890.
Terms of
members
elected in
1888 ex-
tended.

SEC. 29. On and after the first day of July, A. D. eighteen hundred and ninety, the Council shall consist of a President of Council and twelve members. The terms of office of those members of Council elected on the first Saturday in June, A. D. eighteen hundred and eighty-eight, are hereby extended until and including the thirtieth day of June, A. D. eighteen hundred and ninety, during which said last mentioned year there shall be no city election, and the offices

OF ELECTIONS.

of members of Council whose terms in that year expire shall not be thereafter filled, but there shall, from and after the said thirtieth day of June, A. D. eighteen hundred and ninety, be one member of Council from each ward instead of two as theretofore. The term of the present President of Council is hereby extended until the first day of July, A. D. eighteen hundred and ninety-one, and he, together with the members of Council elected on the first Saturday in June, A. D. eighteen hundred and eighty-nine, shall, from and including the first day of July, A. D. eighteen hundred and ninety to the first day of July, A. D. eighteen hundred and ninety-one, constitute the said Council. The first city election after the city election in June, A. D. eighteen hundred and eighty-nine, shall be held on the first Saturday in June, A. D. eighteen hundred and ninety-one, at which said election a President of Council and twelve members shall be elected for the term of two years, commencing on the first day of July next ensuing said election, and said elections shall be held biennially thereafter on the first Saturday in June. The President of Council shall be the presiding officer and a member of said Council, and shall be elected from the city at large by a plurality of all the votes cast in the several election districts. One member of Council shall be elected from each ward by a plurality of all the votes cast therein. The above provisions shall be taken and construed to be subject to the provisions of Section 11 preceding."

After June 30, 1891, one member for each ward.

Term of President of Council extended.

President of Council and twelve members to be elected in June, 1891.

President of Council to be presiding officer and elected from city at large

Plurality of votes to elect

* * * * *

CITY TREASURER.

SEC. 32. At the city election to be held on the first Saturday in June, A. D. 1888, and on the same day in each and every third year thereafter, the voters in the respective election districts shall vote for a City Treasurer, who shall be elected by a plurality of all the votes cast in the several election districts. The City Treasurer shall hold office for the term of three years, commencing on the first day of July succeeding his election.

Amended Chapter 193, Volume 18.

Election of City Treasurer.

Term.

OF ELECTIONS.

Chapter 669, [An Act to amend an act entitled "An act to Revise and Consolidate
Volume 18. the Statutes relating to the City of Wilmington," as amended April 23,
1889.]*

* * * * *

Chapter 207, SEC. 2. All elections shall be by ballot, and a plurality
Volume 17, of votes cast shall make a choice; the ballots used shall con-
amended. form in all respects to those required by the general law of
Election to be by ballot. the State. Each city election shall be opened between the
Form of ballots. hours of eleven o'clock in the forenoon and twelve o'clock
Time of election. noon, and continue open until seven o'clock in the afternoon,
when the same shall be closed.

Qualified voters. SEC. 3. That at all city elections every male citizen
of the age of twenty-one years and upwards, having resided
within said city for three months next previous to the elec-
tion, and in the election district where he offers to vote for
thirty days next preceding the election, and who being other-
wise qualified to vote at all State elections shall have regis-
tered at the biennial registration next prior to the election at
which he offers to vote, and no other, shall be entitled to vote.
If any person who may have had his domicile in said city
shall actually remove to any other place with the intention of
remaining there an indefinite time as a place of domicile, he
shall thereby lose his qualification of residence, notwithstand-
ing he may entertain a floating intention to return at some
future time.

Election and canvass of voters. SEC. 4. At all city elections held in the city of Wil-
How con- mington the election and canvass of the vote cast thereat
ducted. shall be in all respects conducted in conformity to the pro-
visions of the general election laws of this State, except as in
this act otherwise provided.

Failure to elect not to dissolve corporation. SEC. 5. A failure to hold an election on election day,
or the omission to execute any authority conferred by this act
shall not dissolve the corporation, but the authority of each
officer shall continue until a new election can be legally
held.

Voters shall choose a member of Council biennially. SEC. 6. The qualified voters of each ward shall, at every
biennial election in June, choose a member of Council for
their ward, resident in the ward. A member moving out
of the ward shall thereby lose his office and the City Council
shall fill the vacancy.

*This act is an amendmen to and part of Chapter 207, Volume 17.

OF ELECTIONS.

SEC. 7. That Andrew G. Wilson, Alexander J. Hart and George S. Capelle, of the city of Wilmington and State of Delaware, are hereby appointed and constituted a department of elections for the city of Wilmington; the terms of office of the said Andrew G. Wilson, Alexander J. Hart and George S. Capelle, the present members of the said department, are hereby respectively extended until the times following, to wit: The term of the said Andrew G. Wilson until the first day of August, A. D. eighteen hundred and ninety-five; the term of the said Alexander J. Hart until the first day of August, A. D. eighteen hundred and ninety-three, and the term of the said George S. Capelle until the first day of August, A. D. eighteen hundred and ninety-one, or until their respective successors shall be duly appointed as herein-after provided. At the expiration of the term as so extended of the said George S. Capelle as a member of said department, and biennially thereafter, the place of the retiring member shall be filled by appointment by the Mayor of Wilmington for the term of six years. No person shall be eligible to appointment as a member of said department who shall not be a citizen of the United States and a qualified voter of and resident in the city of Wilmington for the term of five years next preceding his appointment. No member of the Department of Elections shall hold or be a candidate for any other municipal office during his membership in said department, nor until the expiration of six months after he shall have ceased to be a member of said department. When any vacancy occurs in said department, by or from any cause whatsoever, the Mayor aforesaid may fill the unexpired term by appointment, but at no time shall all the members of said department be on State issues of the same political faith and opinion. Each of said members shall, before entering upon his duties, take and subscribe and file, in the office of the Mayor of said city, an oath or affirmation that he will perform the duties of his office with fidelity and impartiality.

Members of
Election De-
partment
terms ex-
tended.

Terms of
office.

Who are
eligible.

Member of
Department
not to hold
or to be a
candidate
for any office

Vacancy,
how filled.

Must make
oath or
affirmation.

The members of the Department of Elections shall each receive, as a compensation for their services, the salary of three hundred dollars in each year in which a city election is held, payable as the salaries of other city officers are paid. But no salary or compensation shall be paid in any year in which a city election is not held.

Compensa-
tion.

SEC. 8. The duties of the members of said Department of Elections shall be as follows:

Duties of
members.

OF ELECTIONS.

1. They shall divide the city of Wilmington into as many election districts as they shall deem necessary on or before the first day of April, A. D. eighteen hundred and eighty-eight, and in every fifth year thereafter, on or before the first day of April, the members of the Department of Elections for the time being shall divide the city of Wilmington into as many election districts as they shall deem necessary; *Provided*, that no election district shall contain more than three hundred nor less than one hundred qualified voters; *and provided further*, that each of said districts shall be entirely within the boundaries of one ward. And on or before the first day of April, A. D. eighteen hundred and eighty-nine, and in every year thereafter, said Department of Elections may divide such of the districts, and such only as by the registration of voters last preceding such division shall be found to have had a registration of more than three hundred voters, but in any such division of any said districts one portion of the district shall retain the original numerical designation and the other portion shall take the number following the highest numbered district in the ward in which such new districts are situated.

Proviso.

Further
proviso.

2. They shall designate and appoint a place of registry and polling place in each election district in the city of Wilmington, and shall biennially, not less than two weeks prior to the first day of registration provided for in this act, advertise by posters or handbills, posted in five of the most public places in each district, the number and boundaries of the district in which they are posted, the time and place of holding the next registration and city election in such district, and the officers to be voted for at such election; and at the places so designated all city elections shall be held, and the work of registration performed, and the said Department of Elections shall hire all such places and cause the same to be fitted up, warmed, lighted and cleaned; but in such election district such place shall be in the most public, orderly and convenient portion of the district, and no building or part of a building shall be designated or used as a place of registry or polling place in which or in any part of which spirituous or intoxicating liquors is or has been sold within sixty days next preceding the time of using the same.

Shall designate and appoint the place of registry and polling place

Shall advertise the number and boundaries of districts, and designate the time and place of holding the registration.

Shall cause books for registration to be prepared.

3. They shall cause to be prepared books for the registration of names and facts required by this act, said books to be known by the general name of registers, and to be so arranged as to admit of the entering of the name of each street

OF ELECTIONS.

or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto (and if there be no number, under such other definite description of the location of the dwelling place as shall enable it to be readily ascertained, found and located), and the names of all male persons resident in each dwelling in each of said districts who shall apply for registration. Such registers shall be ruled in parallel columns in which, opposite to and against the name of every applicant, shall be entered the words and figures hereinafter provided in this act, and shall be of such size as to contain not less than four hundred names, and so prepared as they may be used at each election in the city of Wilmington until such time as in this act provided for the succeeding registration, and shall, on the inside, be in appearance and form as follows, to wit:

[illegible]

4. They shall prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks, and instructions for the use of the inspectors of the election, provide for the furnishing of such officers therewith and with all necessary supplies; they shall have and retain the custody of all registers, tally lists, books, maps, forms, oaths of office, and of removal blanks, instructions, and all other records and supplies of every other kind or description pertaining to the Department of Elections provided for in this act.

5. They shall have power to dismiss any election officer at any time and supply his place with another person; they may also employ a clerk and such other assistance as in the judg-

OF ELECTIONS.

ment of said members of said department shall be necessary and proper for the faithful performance by the department of the duties of this act imposed, *provided* the expense thereof shall not exceed fifteen hundred dollars in any one year; which said sum of fifteen hundred dollars shall not include the compensation of members of the Department of Elections, inspectors, and poll clerks, to be paid as provided in this act.

Proviso.

Board shall have power to cause complete and accurate copies of the names, residences and cause of death of persons to be made.

Duty of inspector.

6. They shall from time to time, and at all times, at least once in each and every year in which a city election is held, have full power and authority to make, or cause to be made, such full, complete and accurate copies as they shall deem necessary of the record of the names, residences, age and cause of death of each male person who shall die in the city of Wilmington, as the facts in respect to such death shall be furnished to the Register of births, deaths and marriages for the city of Wilmington, and shall keep, preserve and file all such copies of such records; and it shall be the duty of the said Department of Elections in each year in which a city election is held to cause to be delivered to each inspector of election in each election district in the city of Wilmington, on or before the third Saturday next preceding the day of any city election held in the city of Wilmington, an alphabetical record of all male persons twenty-one years of age and upward, who, in the district in which the said inspector is to serve, have died since the last city election. Such record shall be known and designated as a record of deaths, and it shall be the duty of each inspector of election in each district, upon the receipt of such record, to securely attach the same to the inside of the register in his custody to the end that it may be preserved, and upon the receipt of the same each inspector shall examine the register in his custody and as to the name of every person upon said registry who by said record of deaths shall by a coincidence in respect to said names and facts appear to have deceased, and opposite to and against every such name, to enter in the column headed "why disqualified" the word "dead," in the column headed "date of erasing name" the month, day and year of such erasing, and in the column headed "remarks" the words "stricken from the registry," adding against each such entry made in the column of "remarks" the initial letters of the name of the inspector making such entry, and through the name of every such person stricken from the registry, and then only,

OF ELECTIONS.

shall draw a line as indicative that such name is erased from the register of that election district.

7. They shall furnish the inspectors of election in each election district with the hereafter named election machinery: Shall furnish inspectors with election machinery.

(a.) A box of a size sufficient in their judgment to receive the ballots in the respective districts, and of such character and workmanship as will insure safety and fairness in elections.

(b.) Stamps which, when applied to tax receipts, on registration days, will produce the word "registered," the number of the district, and also the day and year of registering, in letters and figures; and when applied to tax receipts on election day will produce the word "voted," the number of the district, and also the day and year of voting, in letters and figures. Stamps when applied to tax receipt what to contain.

8. They shall hereafter appoint all inspectors of election and poll clerks for city elections in the city of Wilmington, and shall also make all necessary removals and transfers and fill all vacancies which from any cause may occur. Shall appoint inspectors and poll clerks.

9. They shall, in the month of April in each year in which a city election is held, select for each election district in said city, to serve as inspectors of elections, three persons, two of whom shall be of different political faith and opinion from their associates; *provided* that the total number of inspectors in each ward shall be divided as equally as possible between the different political parties, and those appointed to represent the party in political minority on State issues to be named solely by such member or members of the Department of Elections as is or are the representative or representatives of such political minority, who shall be citizens of the United States, and of the State of Delaware, of good character, able to read, write and speak the English language understandingly, qualified voters in the city of Wilmington, and not candidates for any office to be voted for by the electors of the district for which they shall be selected, and no person who shall have served as inspector at any registration shall be such candidate at the election for which such registration was held. Every person so selected by the Department of Elections as its choice to be an election inspector shall, on receipt of notice thereof, appear within ten days thereafter before the said department for the purpose of examination, and if found qualified shall, unless excused by said depart- Inspectors to be selected in April. Must be of different political faith. Proviso. Qualification. Persons chosen to present themselves for examination.

OF ELECTIONS.

Take oath
of office.

ment by reason of ill health or other good or sufficient cause, be bound to serve as such officer at every registration and city election for the term for which he is appointed by said department and shall take the following oath of office, which oath may be administered by any member of the Department of Elections:

Form of
oath.

I, _____ residing at No. _____ in the city of Wilmington, do solemnly swear (or affirm) that I will support the Constitution of the United States, and of the State of Delaware, and that I will faithfully discharge the duties of the office of inspector of election for the _____ election district of the _____ ward of the city of Wilmington according to the best of my ability, and that I am a citizen of the United States and State of Delaware, a qualified voter in the city of Wilmington, and not a candidate for any office to be voted for by the electors of the district for which I am appointed an inspector.

Penalty for
neglect to
comply.

In case of refusal or neglect on the part of any person so selected to be an election inspector to comply with the above requirements, or to serve or to act, he shall be liable to a penalty of two hundred dollars, recoverable by said department by civil action in any court of record in the name of the "President of the Department of Elections of the city of Wilmington," and for the use and benefit of the city; and a failure on the part of any such person to present himself for examination, or to comply with any of the requirements of this act, preliminary to receiving his certificate of appointment, within the time prescribed, or to attend on the day of any registration, or the day of any city election during said term, unless prevented by sickness or other sufficient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal within the meaning of this act.

What shall
be deemed
a refusal.

Certificate
to be given
by the de-
partment.

Whoever shall be nominated, approved and sworn into office as an inspector of election shall receive a certificate of appointment from the Department of Elections, said certificate to be in such form as shall be prescribed by the said Department of Elections, and to specify the election district in and for which the person to whom the same is issued is appointed to serve and the date of the expiration of his term of office. The inspectors of election appointed under the provisions of this act in the year eighteen hundred and eighty-nine, and all such inspectors thereafter appointed under the provisions of this act, shall respectively hold office

Term of
office.

OF ELECTIONS.

for the term of two years, unless sooner removed for want of the requisite qualification or for cause; in either of which cases such removal, unless made while the inspector is actually on duty on a day of registration or election, and for improper conduct as an election officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth, clearly and distinctly, the reason for his removal. The neglect or refusal of any person so appointed by the Department of Elections to appear and qualify as an inspector within the time herein prescribed shall be deemed to create a vacancy in said office.

Removal.

What shall
be deemed
a vacancy.

10. They shall appoint as poll clerks two persons of different political faith and opinion on State issues and possessing the other qualifications required by this act of inspectors of election, who shall be in all respects similarly named, selected, notified, examined, appointed, commissioned and sworn as in this act required for the appointment of inspectors in and for such election district in the city of Wilmington. Said poll clerks shall hold office for the same period of time and upon the same conditions as are above prescribed for inspectors of election, and shall receive a like certificate of appointment. In case of refusal or neglect on the part of any person so selected to be a poll clerk to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable in the same manner and for the same use as the penalty above provided in case of a refusal or neglect on the part of an inspector of election.

Poll clerks.

Terms of
office.

Whenever from any cause there shall exist a vacancy in the office of inspector of election or poll clerk, a person appointed to fill such vacancy shall be named by such member of said Department of Elections, or such of the members of said department, or his successors or their successors, as named the inspector or poll clerk in whose place any such person is designated. Inspectors of election and poll clerks appointed in pursuance of the provisions of this act shall be entitled to receive three dollars for each day's service at any registration or election, such compensation not to exceed in the aggregate the sum of nine dollars, and to be paid on the certificate of the President of the Department of Elections as to the period of service, but no payment shall be made to any person as inspector of election or poll clerk who shall not have taken, subscribed and filed the oath, or affirmation, required herein, and who shall not during the period of his

Vacancies in
office of in-
spector or
poll clerk,
how filled.Compensa-
tion, how
paid.

OF ELECTIONS.

Inspector and poll clerk exempt from military and jury duty. service have fully complied with all the requirements of law in anywise relating to his duties, and the acting of any such person in either of said capacities without having taken, subscribed and filed the said oath, or affirmation, shall be deemed to be and punished as a misdemeanor. Inspectors of election and poll clerks, during the time they hold such office, shall be exempt from the performance of military and jury duty, and no person who by the law of this State is exempt from jury duty shall be required to serve as an inspector or poll clerk under this act.

Times of registration of qualified voters. SEC. 9. There shall hereafter be a registration of the qualified voters in the City of Wilmington resident in each election district in the said city, at the times herein provided, and then only, to wit: on the third Saturday and on the second Saturday next preceding the day of each city election.

Times of meeting of the inspectors. SEC. 10. The inspectors of election appointed pursuant to the provisions of this act shall, at the times in this act designated for registration, meet in their respective election districts at the places which, as provided in this act, shall be designated therein for such meeting, and at such time, in each election district, the said inspectors of election shall openly and publicly do and perform the following acts, viz:

Organization. 1. They shall organize as a board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting, the chairman shall be selected by lot.

Applicants for registration to be received. 2. They shall receive the application for the registration of all such male residents of their several election districts, and such only, as then are or on the day of the election next following the day of making such application would be entitled to vote therein, and who shall personally present themselves each with his proper tax receipt.

How qualified. 3. They shall remain in session on each of said days between the hours of ten o'clock in the forenoon and half-past seven o'clock in the afternoon, and shall administer to all persons who personally apply to register [and who are challenged] the following oath or affirmation, viz:

Time of session.
Amended Chapter 218, Volume 19.

Form of oath. You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote under the laws of this State.

OF ELECTIONS.

4. They shall * * * examine each applicant as to his qualifications as an elector, and unless otherwise provided herein, shall each in a separate book immediately, and in the presence of the applicant, enter in the register to be made and furnished as provided in this act, the statements and facts below set forth and in the manner following, viz:

Amended
Chapter 218,
Volume 19.
Shall ex-
amine appli-
cant.
Shall make
entries of
statement of
facts.

First—Under the column “residence” the name and number of the street, avenue or other location of the dwelling, if there be a number, and if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined, and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides, and if there be more than one family residing in said house, either the floor on which he resides, (every floor below the level of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second or such other floor as it may be) or the number, or location of the room or rooms occupied by the applicant, and whether front or rear.

Form of
entry.

Second—Under the column “address” the name of the applicant, giving the surname and Christian name in full, but the names of all persons residing in the same dwelling to follow each other, and to be under the street and house number or other description as provided of the dwelling.

Third—Under the column “sworn” the word “yes or no,” as the fact shall be.

Fourth—Under the column “nativity,” the State, county, kingdom, empire or dominion, as the fact shall be stated by the applicant.

Fifth—Under the column of “color” the word “white or colored,” as the fact shall be.

Sixth—Under the subdivision of the general column of “term of residence,” the period by months or years stated by the applicant in response to the inquiries made for the purpose of ascertaining his qualification, and filling such column.

Seventh—Under the column of “naturalized,” the word “yes or no” or “native,” as the fact shall appear. “*Provided*, that if any applicant required by law to be naturalized

Amended
Chapter 218,
Volume 19.
Naturaliza-
tion papers.

OF ELECTIONS.

shall, for any cause be unable to present his naturalization papers, he shall, upon satisfactory proof of his naturalization, be admitted to register and to vote."

Eighth—Under the column of "date of papers," the date of naturalization, if naturalized, as the same shall appear by the evidence of citizenship, submitted and presented by the applicant in compliance with the requirements of this act.

Ninth—Under the column of "court," the designation of the court in which, if naturalized, such naturalization was done, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this act.

Tenth—Under the column "qualified voters," the word "yes or no," as the fact shall appear and be determined by at least two of the board of inspectors of election, it being, however, required of them to designate as qualified voters any male person who, being otherwise qualified under this act, except as to the payment of the county tax, shall at the day of the election immediately following be of age, but not having been of age a sufficient time to be assessed for the payment of such tax as required by this act.

Who to be
designated
qualified
voters.

Eleventh—Under the column of "date of application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in the election district.

Shall stamp
the tax
receipt.

5. The said inspectors shall immediately, upon entering the name of an applicant upon the registry as a qualified voter, stamp the tax receipt presented by him with the word "registered," the number of the district, and also the day and year of registering in letters and figures.

Inspectors
shall sign a
certificate.

6. The said inspectors shall, in each election district in the city of Wilmington, at the close of each day of registration, in a place to be provided therefor in each of the registers required in this act, fill up, date, and each sign a certificate, which shall be either printed or written, and shall be in the words and figures following, to wit:

Form of
certificate.

"We, the undersigned inspectors of election in the _____ district of the _____ ward of the city of Wilmington, do jointly and severally certify that at the registration of voters held in the election district on the _____ day of _____ in the year _____ there were registered by us as quali-

OF ELECTIONS.

fied voters in the said election district the names which are entered in this book as of said day, and that the number of such registered and qualified voters was and is ————.”

7. The said inspectors shall, in each election district on each day of any registration, before adjourning, enter in a book prepared for that purpose, which shall be known as a public copy of the registers, all such names and residences and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided in this act. And the whole four books shall, on each of said days after the completion of such copy of the registers, be carefully compared throughout, so that each of the registers and the copy thereof shall in every respect agree with each other and contain the name and residence of each person who shall have applied for registration, and the facts respecting him, as the same shall have been stated by him and entered in the registers as provided in this act. The said inspectors shall, on the last day of any registration, in every year in which a city election is held, certify the said copy in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of such registration, shall leave it suspended in a place where such registration was conducted, where it shall be and remain until the day of the next city election, to the end that the same may be inspected and copied by any elector in said city, but on the day of such election the said inspectors shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, returning it to the Department of Elections as provided in this act for the return of the register kept by him, and and shall within the same time deliver to the Department of Elections, to be filed in their office, one of the registers made by them, and the other two registers in each election district shall be retained and carefully preserved by the inspectors; *Provided*, that the register made by the inspector who represents the party in political minority on State issues shall always remain in the possession and custody of such inspector or his successor in office (if such there be) until the next city election, for his use on that day.

Shall keep daily record of names and statements, and any information received

Books to be compared.

Shall certify to copy.

Copy of registers to remain to be inspected and copied by any elector.

Shall deliver one of the registers to the Department of Elections. Inspectors to retain other lists. Proviso.

SEC. 11. The Department of Elections shall have the right and it shall be their duty to carefully examine and compare with each other the several registers required by Section 10 of this act to be filed in their office, and when it

Shall examine and compare registers.

OF ELECTIONS.

shall appear by any data in their possession that any person has registered in more than one election district they shall, upon due inquiry, strike his name from the register of any or all election districts in which he is not a qualified voter, and to and against his name, under the column "why disqualified" in such register or registers, state the reason thereof, and shall, on the morning of the day of the next city election, between the hour of nine o'clock A. M. and the time prescribed for opening the polls, deliver to the inspectors in each election district, at the polling place therein, the register made by the inspector of such district, and so corrected by the Department of Elections, and it shall be the duty of the inspectors of each election district to be present at said polling place at or before the hour of nine o'clock A. M. and there remain until the polls are closed and their duties at such polling places are at an end, and after receipt of the corrected register from the Department of Elections, and before the hour of election, shall carefully compare it with the other registers and the public copy of the registers of said election district, and make them agree in all respects with said corrected register, so that at the hour of the election all three of the registers of each election district and the public copy thereof shall in all respects agree.

When name
may be
stricken
from register

Duty of
inspector to
be present at
each polling
place,

Inspectors
shall have
the registers
provided for
in this act.

Voter's
name to be
announced
by inspector

Each in-
spector shall
in the regis-
ter write the
word "yes,"
in column
"voted."

SEC. 12. The inspectors of election in each election district of the City of Wilmington shall, on the day of any city election therein, have with them at the polling place in said district the registers provided for in this act; they shall make use of one of said registers for guidance on said day, and no vote shall be received from any person whose name shall not be found by at least two of them to be upon at least two of the said registers as a qualified voter. The chairman of said inspectors in each election district shall, if present, and if absent, then one of the other inspectors shall, upon any person offering to vote, announce in a loud, clear and distinct manner the name of such person; and no ballot shall be received by either of the inspectors, or deposited in the ballot-box until at least two of said inspectors shall, as hereinabove provided, have examined and found the name and residence of such person, and have declared the same, and that such person is entered as a qualified voter; when, if the vote of the said person is received, each of the inspectors shall, in the register made by him, write in the appropriate column bearing the heading "voted," and opposite to the name and residence of such person, the word "yes," and

OF ELECTIONS.

shall immediately stamp his tax receipt with the word "voted," the number of the election district, and also the day and year of voting in letters and figures. It shall be the duty of each of the inspectors to note on the said register in his possession, in a suitable and separate part thereof, the name and residence of each and every person, if any, whose vote shall be received in contravention of the provisions of this section, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot-box any such vote; and it shall further be the duty of each of the inspectors, immediately on the close of the polls on the day of election, to compare the said registers as kept by them as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within forty-eight hours after the completion of the canvass of the votes cast in the election district in which they served each inspector shall leave his register at the office of the Department of Elections, whose duty it shall be to file and preserve the same as provided in this act; and in no election district in said city shall any inspector who has custody or charge of any of the registers in this chapter provided for ever permit said register to leave his possession (except it be the one filed in the Department of Elections, as provided in this act) from the time of receiving custody of the same until he shall file the same, as provided in this section, save in the event of his resignation or removal, and the appointment, as provided in this act, of his successor, when he shall promptly surrender and turn over the same to him.

Duty of inspector to note on register the name and residence of every person, illegal voters, inspectors, &c.

Further duty of inspectors.

Shall certify that the same is correctly checked.

Register shall be left with the Department of Elections.

Shall turn over register to his successor.

SEC. 13. Any person applying to register, or offering to vote, or who is registered, may on any day of registration or of election be challenged by any qualified voter in the city of Wilmington, and any one of the inspectors of election in any election district in said city may, at any such time or times, and one of them shall administer to any person so challenged the oath or oaths provided by law to test the qualification of challenged voters, and any one of said inspectors may on such day of registration or election administer to any applicant for registration the oath or oaths provided in this act to be administered to and taken by any such applicant, and may also administer to any person who may be offered as a witness to prove the qualification of any person claiming the right to be registered, or to vote, the following oath: You do swear (or affirm) that you will fully and truly answer all questions as shall be put to you touching

When persons offering to vote may be challenged.

Board may administer oath to person challenged.

Form of oath.

the place of residence and other qualifications as an elector of the person (name to be given) now claiming the right to be registered as a voter (or to vote, as the case may be) in this district.

SEC. 14. Any person who is a qualified voter in the city of Wilmington may, upon any day of registration or election, challenge and contest the right of any person to be registered in any election district or to vote at any poll in the said city, or may require the name of any registered person to be marked for challenge, and on any such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to the correctness of their register.

SEC. 15. At every city election held in the city of Wilmington each political party shall have the right to designate the place and keep a challenger at each place of registration and voting, who shall be assigned such position immediately adjoining the inspectors of election, and upon the inside of the window, as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the inspectors of election and the police; each political party may remove any challenger appointed by it, and all vacancies which from any cause shall arise shall be filled by the same party power and authority as conferred the original appointment.

SEC. 16. The poll clerks, at each poll in the city of Wilmington, shall each keep, in ink, a poll list in books to be prepared and furnished for that purpose, which shall contain a column headed "residence," a column headed "name of voter," and a column headed "remarks."

SEC. 17. The poll books referred to in the preceding section, shall be in form as follows:

RESIDENCE.	NAME OF VOTER.	REMARKS.
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[illegible]

OF ELECTIONS.

The residence of each elector voting shall be entered by each poll clerk in the column of his poll list headed "residence," and the name of such elector in the column headed "name of voter," and in the column of "remarks," opposite the name of each person challenged, shall be noted the oath or oaths offered and taken by any such person.

Poll clerks
shall keep
name, &c.,
of each voter.

SEC. 18. In each election district in the city of Wilmington, it shall be the duty of the inspectors of election immediately after the close of the polls on the day of any election, before proceeding with the canvass of the ballots in the box, and while the poll clerks are canvassing their books, to write in ink, opposite to and against the name of each person entered in their registers who is not shown by said registers to have voted, and in the column headed "voted," the word "no," so that column may be fully filled up; and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day; and when they have made comparison and ascertained such fact the chairman of the board of inspectors, or in his absence the inspector acting as such, shall announce the same in a loud voice.

Duty of
inspectors.

Result, how
announced.

SEC. 19. As soon as the poll of an election shall have been finally closed, the inspectors of election in their several districts shall immediately, and at the place of the poll, proceed to canvass the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed, and the several statements hereinafter required to be made by the inspectors shall have been made out and signed by them. No vote shall be counted or canvassed in any election district unless three qualified voters in such election district, if so many claim that privilege, are allowed to be present and so near that they can see whether the duties of said inspectors are faithfully performed.

Upon closing the poll the inspectors shall proceed to canvass the votes.

Canvass shall not be adjourned.

Who to witness canvass

SEC. 20. The canvass shall commence by a comparison of the poll lists from the commencement, and a correction of any mistakes that may be found thereon; and such comparison shall be continued until the poll lists agree as to the number of ballots deposited in the box; when they have been made to agree, one of the inspectors shall publicly announce in a loud voice the number of ballots deposited in the box as shown by the poll lists.

How the canvass shall commence.

Inspectors shall publicly announce ballots.

SEC. 21. The box shall then be opened and the ballots contained therein shall be taken out and counted, unopened,

OF ELECTIONS.

Box shall be opened and ballots counted. For what purpose.

except so far as to ascertain that each ballot is single; if two or more ballots shall be found so folded together as to present the appearance of a single ballot they shall be destroyed, if the whole number of ballots exceed the whole number of votes as shown by the poll list and not otherwise.

How the board shall proceed to canvass the votes.

SEC. 22. The board shall then proceed to canvass the votes in the following manner: the said inspectors shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. One of the said inspectors shall then take the kind of ballots which appear to be the greatest in number, and count them by tens, carefully examining each name on each of said ballots. Such inspector shall then pass the ten ballots to the inspector sitting next to him, who shall count them in the same manner. The second inspector shall then call the names of the persons named in the ballots and the offices for which they are designated, and the poll clerks shall tally the votes for each of such persons. The third inspector shall watch the proceedings of the other inspectors and the poll clerks, and at his option may perform the same duties in respect to the canvass as are prescribed for the second inspector, or in case of the absence of a poll clerk may perform his duty. When the counting of each kind of ballots shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice to the inspectors; the kind of ballots which appear to be next greatest in number, and afterward each of the other kind of ballots in succession shall then be canvassed in the same manner. The ballots containing names partly from one kind of ballots and partly from another, being those usually called split tickets, and those from which the name of a person proper to be voted for on such ballots has been omitted, or erased, usually called scratched tickets, shall then be canvassed separately by one of the inspectors sitting between two of the other inspectors, which inspector shall call each name to the poll clerk, and the office for which it is designated, the other inspectors looking at the ballot at the same time, and the poll clerks making note of same; when all the ballots found in the box have been canvassed in this manner, the poll clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and, when they agree upon the number, one of them shall an-

Inspector to pass the ballots.

Poll clerks shall tally the votes.

Third inspector to watch the proceedings of the other inspectors.

Duty of the poll clerks when canvass is completed.

Clerks shall announce what.

Scratched ballots how canvassed.

Total number how ascertained.

OF ELECTIONS.

nounce in a loud voice to the inspectors the number of votes received by each candidate on each of the kind of ballots containing his name, and the total number of votes received by him. If after the ballots in any box have been opened or canvassed the whole number of them shall be found to exceed the whole number of votes required by the corresponding columns of the poll lists, the said inspectors shall return all the ballots in the box, and shall thoroughly mingle the same, and one of the inspectors, to be designated by the board, shall, without seeing the same, and with his back to the box, publicly draw out of such box so many of such ballots as shall be equal to the excess, which shall be forthwith destroyed, but if the ballots have been canvassed the votes for the person named therein shall be first deducted from the votes entered for such person on the tallies.

Proceedings when votes shall exceed the votes of poll lists.

SEC. 23. The canvass of the ballots found in any box shall be completed by ascertaining how many ballots of the same kind, corresponding in respect to the names of the persons thereon and the office for which they are designated, have been received; and the result being found the said inspectors shall securely paste or attach to each statement of such canvass hereinafter directed to be made one ballot of each kind found to have been given for the officer to be chosen at such election; and they shall state, in words at full length, immediately opposite such ballot, and written partly on such ballot, and partly on the paper to which it shall be pasted or attached, the whole number of all the ballots that were received which correspond with the one so pasted or attached, so that one of each kind of the ballots received at such election for the officers then to be chosen shall be pasted or attached to such statement of such canvass. If only one ballot of any kind shall be found in the box, it shall be pasted or attached to the statement to be delivered to the Department of Elections, and if only two ballots of any kind are found in the box, one shall be pasted or attached to the statement to be delivered to the Department of Elections, and the other to be delivered to the Clerk of the City Council of Wilmington. They shall also paste or attach all the ballots rejected by them as being defective in whole or in part to the statement to be delivered to the said Department of Elections.

Canvass of the ballots, how ascertained.

Ballot to be pasted to statement.

Shall paste defective ballots to statement.

SEC. 24. When the canvass of the ballots found in the box shall have been completed, and the poll clerk shall have announced to the inspector the total number of votes received by each candidate, the Chairman of the board of in-

Chairman shall announce number of votes received.

OF ELECTIONS.

spectors of election, or in his absence the inspector acting as such, shall proclaim in a loud voice the total number of votes received by each of the persons voted for upon the ballots found in the box and the office for which they are designated, and such proclamation shall be *prima facie* evidence of the result of the canvass of such ballots.

Inspectors
shall make
triplicate
statements.
What to
contain.

Certificates
to be sub-
scribed by
inspectors.

If inspector
decline to
sign return
he shall
state his
reason.

Statement,
how sealed.

To whom
directed.

Time in-
spector shall
make state-
ment, and
to whom.

SEC. 25. The inspectors of election in each election district shall make triplicate statements of the result of the canvass and estimate of the votes. Each of the statements shall contain a caption stating the day on which such election was held, the number of the election district in relation to which such statement shall be made, and the time of opening and closing the polls of such election district. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written, or partly written, and partly printed in words at length, and at the end thereof a certificate that such statement is correct in all respects, which certificates, and each sheet of paper forming part of the statement, shall be subscribed by the said inspectors and poll clerks. If any inspector or poll clerk shall decline to sign any return, he shall state his reason therefor in writing, and a copy thereof, signed by him, shall be enclosed with each return. Each of the statements shall be enclosed in an envelope which shall then be securely sealed with wax, and each of the inspectors and each of the poll clerks shall write his name across every fold, at which the envelope, if unfastened, could be opened, and across the seal thereon. One of the envelopes shall be directed on the outside to the Clerk of the City Council of Wilmington, another to the Mayor, and the third to the Department of Elections. Each set of tallies shall also be enclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the Department of Elections, and the other to the Clerk of the City Council of Wilmington. On the outside of every envelope shall be endorsed whether it contains the statement or the tallies and for what election district.

SEC. 26. At or before the hour of ten o'clock in the forenoon, on the first Monday after the city election, one of the said inspectors in each election district shall deliver to the Department of Elections, at its office, the statement directed to it; another inspector shall deliver to the Clerk of the City Council the statement directed to him, and the third inspec-

OF ELECTIONS.

tor shall deliver to the Mayor the statement directed to him. One of the poll clerks shall deliver to the Department of Elections the tally directed to it, and the other poll clerk shall deliver to the Clerk of the City Council the tally directed to him. And it shall be the duty of the Department of Elections, and its clerk, and of the clerk of the City Council and of the Mayor, to be present in their respective offices from the time of closing polls until twelve o'clock midnight of the day of the election, and from the hour of eight o'clock to the hour of ten o'clock in the forenoon of the first Monday after the election. In case, for any cause, the Clerk of Council shall fail to attend at such time and place, the President of Council shall attend and receive, take charge of, and safely keep said statements and tallies until delivered to the Clerk of Council, or to the Council at their next stated meeting; and if, for any cause, the Mayor shall fail to attend at such time and place, the statement shall be delivered to the City Judge of the Municipal Court for the City of Wilmington at the City Hall, who shall take charge of and safely keep said statements until delivered to the Mayor.

Poll clerk shall deliver to whom.

Statements and tallies to be kept.

SEC. 27. The poll lists kept at such election shall be certified in writing by both poll clerks to be a true and correct list of the votes cast at the said election in their respective election districts, and at or before the hour of ten o'clock in the forenoon of the first Monday after the city election, shall be filed by such poll clerks, the one in the office of the Departments of Elections and the other in the office of the Clerk of the City Council of Wilmington.

Poll lists to be certified.

When filed.

SEC. 28. The remaining ballots not so pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the board of inspectors shall be dissolved.

Ballots to be destroyed.

SEC. 29. In case any officer to whom any of the papers in the preceding sections are directed to be delivered shall be absent from his office, the same may be delivered to the person authorized in such case to attend to his official duty, and the officer or person to whom any envelope containing any statement or tally, or to whom any register or copy thereof or poll list shall be delivered, as in this act provided, shall give a receipt therefor to the inspector or poll clerk from whom the same is received, and such receipt shall be filed by said inspector or poll clerk in the office of the City Auditor of the city of Wilmington before any payment for his services shall be made.

In case of absence of officers, to whom papers are to be delivered.

Shall give a receipt.

OF ELECTIONS.

SEC. 30. The members of the Department of Elections shall, on the first Monday following each city election, at the hour of twelve o'clock, noon, meet in public session at the City Hall in said city of Wilmington and canvass, declare and certify the result of such election. The envelopes delivered to said Department of Elections, as provided by this act, shall then, and not till then, be opened by the presiding officer of said department at such session, who shall mark each separate sheet of the statement with the initials of his name, and proclaim and declare the persons elected, and before adjourning, the members of said department shall make two certificates, in writing, under their hands, or the hands of a majority of them, showing the state of the vote for Mayor, President of Council, members of Council, Assessors and Collectors, City Treasurer, and for any and all other city officers for whom votes shall have been cast (when they or any of them shall have been voted for according to law) setting forth particularly the name of every person voted for for said offices respectively, and the number of votes cast for each, and shall seal up each of said certificates separately in a paper with an endorsement thereon, describing the certificate enclosed, and the president, or other presiding officer of the Department of Elections, shall, either personally or by person deputed by him, on the first Tuesday following the election as aforesaid, between the hours of ten o'clock in the forenoon and twelve o'clock noon, deliver and lodge one of said certificates in the office of the Clerk of the City Council of Wilmington, and the other in the office of the Mayor of said city, and it shall be the duty of the Clerk of said Council and the Mayor of said city, each either in person or by deputy, to be present in their said offices respectively, at such time to receive the same.

It shall also be the duty of the Department of Elections, or a majority of the members thereof, before the adjournment of said public session, on the first Monday following each city election, to make a certificate in writing signed by them for each person who has been proclaimed and declared to be elected at said election, which certificate shall be in the following form, viz:

Certificate.

WILMINGTON, DEL., June —, 19—.

To _____

The undersigned members of the Department of Elections do hereby certify that you have been duly proclaimed and

OF ELECTIONS.

declared by said department to have been elected at the city election held on the _____ day of _____ 18—, to the office of _____.

Said department shall forthwith cause said certificate either to be delivered personally to the person so proclaimed and declared to have been elected, or to be mailed to his usual post-office address. Said certificate shall be *prima facie* evidence of the right of the person to whom it is addressed to hold the office therein mentioned. Certificate to be delivered. Evidence.

SEC. 31. And the Council of said city, at its meeting for organization on the first day of July next ensuing the city election, or if that day falls on a Sunday, then on the Monday following, shall examine the certificates so delivered to the Clerk of City Council as aforesaid, and if there be no choice for Mayor, President of Council, City Treasurer, Assessor and Collector, or for member of Council in any of the wards, or any other city officer for whom votes shall have been cast, by reason of two or more candidates having an equal and the highest number of votes for any said offices, the Council shall proceed to elect one of said candidates for such office for which he is a candidate. Council shall examine the certificates. Council shall elect.

SEC. 32. If any candidate for any of the offices before mentioned shall choose to contest the right of any person claiming to have been elected to such office, such candidate shall, within thirty days next after such election, cause to be presented to the said Council of Wilmington his petition, in writing, setting forth particularly the grounds and specifications upon which said election is contested, together with an affidavit that such petition is not for the purpose of vexation and delay, but that he does verily believe that he has just grounds for contesting such election, and shall also at the same time cause to be delivered to the person whose election is contested a true copy of such petition. Upon the filing of such petition and affidavit, the Council shall appoint a day, not less than ten nor more than fifteen days from the time of filing such petition and affidavit, for hearing and determining the same, giving public notice thereof in two newspapers published in the city of Wilmington, if so many be published at that time, and upon the day appointed for such a hearing the said City Council shall sit in the City Hall, in the presence of such citizens and others as many choose to be present, shall hear the allegations and proofs of In case of contest petition shall be presented. What petition shall set forth. True copy of petition to be delivered. Council shall give notice.

OF ELECTIONS.

Evidence shall be confined to the grounds and specifications.

Council may issue subpoenas for persons and papers, &c.

the party, and shall determine according to the very right of the matter. Evidence shall be confined to the grounds and specifications set forth in the petition. The Council shall have power to issue subpoenas, signed by the President of Council for the time being, and attested by the clerk, for persons and papers, (including all poll lists, tally lists, statements and certificates delivered to the Department of Election, Clerk of Council, Mayor of the city, or any of them) to administer oaths and affirmations, to examine witnesses, and to do all other things requisite to arrive at a full and perfect knowledge as to the right of the case. The decision of the Council, signed by its officers, shall be published in two newspapers printed in the city of Wilmington, if so many be published at that time, and shall be final and conclusive.

In case inspector is absent, place how filled.

Proviso.

Oath of person elected to fill place of election officer.

What shall constitute a vacancy.

SEC. 33. If at the time for opening any city election the inspectors, or a majority of them, be not present at the place of election, the voters there may, without ballot, by plurality, choose a person to supply the place of every such absent inspector. But the inspector or inspectors so chosen shall be of the same political faith and opinion as the person or persons for whose place or places he or they may be chosen to fill; and if, at the time aforesaid, either or both of the poll clerks be not present at the place of election, the inspectors shall choose a person or persons to fill the place or places of such absent clerk or clerks; *provided* the person or persons so chosen shall be of the same political faith and opinion as the person or persons for whose place or places he or they may be chosen to fill. When any person shall be chosen to fill the place of an absent inspector or poll clerk, he shall, before entering upon his duties, take and subscribe the oath as provided in Section 8 of this act, and a blank form of said oath shall be printed or written in the back of the register provided to be furnished to the inspectors of election under this act. The failure of an election officer appointed by the Department of Elections to appear and enter upon the performance of his duties at the time or times prescribed in this act for any registration or election shall constitute a vacancy, and the person or persons selected under the provisions of this act to fill any or all such vacancies shall hold office for the unexpired term or terms of his or their predecessors, under and subject to all the provisions of this act respecting the same.

SEC. 34. Every ballot box shall be so placed at a window.

OF ELECTIONS.

or elsewhere, that the voters depositing any ballot, and each challenger, may conveniently see every ballot received by the inspectors and deposited in the ballot-box. No screen or other obstruction to such view of any ballot-box by the voter, or any challenger, shall be allowed.

Ballot box,
how placed.

No obstruction
allowed.

SEC. 35. The said Department of Election may rent some suitable and convenient place in the said city of Wilmington, and fit up the same for an office for the use of the said Department of Elections at a yearly rental not to exceed three hundred dollars.

Department
shall rent a
room.

SEC. 36. All data and statistics, and all registers, poll books, and records of every kind and nature, which under this act, or under any laws of this state, or which in compliance with any direction, resolution, or order of the said Department of Elections are or may be required to be made, ascertained or kept by or returned to, or filed with the said Department of Elections, shall at all times, during office hours, be open to the inspection, examination, comparison and copying of any citizen or elector, free of any charge whatever.

All data,
statistics,
&c., to be
open to
inspection.

SEC. 37. No person who is registered in one election district shall register or cause himself to be registered in another district.

Can register
in but one
district.

SEC. 38. For all power and authority and duties in this act prescribed for and conferred upon, and all actions required by inspectors of election, or a board of said inspectors of election, save where such authority or actions is specifically allowed to any of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained.

Assent of a
majority of
inspectors
shall in cer-
tain cases be
obtained.

SEC. 39. No person shall be required to serve as an inspector of election under this act at any election district in the city of Wilmington for two successive terms.

Shall not be
required to
serve for a
succeeding
year.

SEC. 40. The several inspectors of election and poll clerks in this act named and created, are and shall be in all courts and proceedings deemed and held respectively to be election officers, and it shall be the duty of the said inspectors of election and poll clerks, respectively, or a majority of said inspectors, to be in constant attendance during the hours and time fixed for the discharge of their several duties.

What offi-
cers shall be
deemed and
held to be
election
officers.

Inspectors
or clerks
to be in
attendance.

OF ELECTIONS.

Inspector, clerk, or challenger, shall make a thorough canvass of his district, and to make full inquiry, &c. SEC. 41. Any inspector of election, poll clerk, or any challenger appointed in compliance with the provisions of this act shall, at any time between the first day of registration, as required by this act, preceding the city election in each year, and ten days after the official declaration and certificate of the result of any such election by the Department of Elections as in this act provided, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act upon any day of registration or election, and to make full inquiry respecting any and every resident of any dwelling, building, or any other place of abode in any such election district, his age, term of residence, and qualifications as a voter, but the power and authority by this section conferred upon any inspector of election, poll clerk, or challenger, shall wholly cease upon his resignation or removal from the office or position to which he was appointed or for which he was designated.

Inspectors shall have power to preserve order, &c. SEC. 42. The inspectors of election in each election district of the city of Wilmington, while discharging any of the duties imposed upon them by this act, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the time of any registration, election, or canvass, estimate, or return of votes; to keep the access to such places open and unobstructed, to prevent and suppress riots, tumult, violence, disorder, and all other improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration or voting, or the canvass estimate, or return of votes, and to protect the voters and challengers from intimidation and violence; and the register, poll books, boxes and ballots from violence and fraud, and to appoint, or deputize if necessary, one or more electors to communicate their orders and directions and to assist in the enforcement thereof.

Cost and expenses a city charge. SEC. 43. The legal compensation of all members of the Department of Elections, inspectors of elections, poll clerks and other officers of election, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, blanks and stationery, the rent and cost of fitting up, warming, lighting, cleaning and safe keeping of all places of registration and polling places; of furnishing, repairing and carting ballot boxes, and all supplies of every

OF ELECTIONS.

kind and nature for city elections in the city of Wilmington, shall be a city charge, and shall, upon proper certificates and vouchers, be paid in the same manner as by law provided for the payment of other expenses of the said city of Wilmington. The City Council of the said city of Wilmington shall yearly levy upon the estates, real and personal, of the said city of Wilmington, the amount estimated to be required to pay the expenses of registration and of all city elections which may be held in the said city during the year, and all other expenses incurred by virtue of the provisions of this act.

How paid.

City Council shall levy the estimated amount necessary to pay expenses of registration.

SEC. 44. It shall be the duty of the city surveyor of the city of Wilmington to furnish to the Department of Elections, upon their request, a map, or maps of the several wards of said city, or any and all portions thereof.

Duty of city surveyor.

SEC. 45. Hereafter it shall not be lawful for any of the authorities, officers, or agents of the city government of the city of Wilmington to number or re-number any street, avenue, alley, lane, road or way in said city of Wilmington, or to anywise change or alter any such number save between the first day of July and the last day of December of any year.

Unlawful for the agents of the city government to number streets, &c.

SEC. 46. It shall be unlawful for any inspector of election, poll clerk, or challenger, during the election or canvass of ballots, to have or keep any ballots behind the boxes, or within the polling place, or for them or any person or persons within the polling place to electioneer, distribute tickets or ballots, or engage in any political discussion. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days, or by fine not more than two hundred dollars, or both.

Unlawful for inspector, poll clerk, or challenger, to keep ballots behind the boxes, &c., or in the polling place to distribute tickets, &c.

Penalty.

SEC. 47. Whoever, during the sitting of any board of inspectors of election in any election district in the city of Wilmington, whether held for the purpose of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order, or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of registration or election, any distilled or spirituous liquors whatever, or shall at any such time and place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and

Shall not bring, take or send into any place of registration liquors.

OF ELECTIONS.

Penalty. shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine not more than one hundred dollars, or both.

Unlawful to falsify, personate or attempt to register or do any act to secure an unlawful registration.

SEC. 48. If at any registration of voters, or at any meeting of inspectors of election held for such purpose as provided in this act, any person shall falsely personate an elector or other person and register, or attempt or offer to register in the name of such elector or other person, or if any person shall knowingly or fraudulently register, or offer, or attempt, or make application to register in or under the name of any other person, or in or under any false, assumed or fictitious name, or in or under any name not his own; or shall knowingly or fraudulently register in two election districts, or having registered in one district shall fraudulently attempt or offer to register in another, or shall fraudulently register, or attempt, or offer to register in any election district, not having a lawful right to register therein, or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person, or shall knowingly, willfully or fraudulently, by false personation or otherwise, or by any unlawful means, procure or attempt to cause or procure the name of any qualified voter in any election district to be erased or stricken from any register of the voters of such district made in pursuance of this act, or otherwise than is in this act provided; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or unlawful means, prevent, hinder or delay any person having a lawful right to register or to be registered from duly exercising such right, or who shall knowingly, willfully or fraudulently compel or induce, or attempt, or offer to compel, or induce by such means, or any unlawful means, any inspector of election or officer of registration in any election district to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed or fictitious name, or any name of any person except as provided in this act, or shall knowingly or willfully, or fraudulently interfere with, hinder, or delay any inspector of election or other officer of registration in the discharge of his duties, or counsel, advise or induce, or attempt to induce any such inspector or other officer to refuse or neglect to comply with, or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure or advise any voter, person, inspector of election, or other officer of registration to do any act by law forbidden or in

Unlawful to prevent, hinder or delay persons from registering, or to induce or compel inspector or officer to register persons not entitled to register.

OF ELECTIONS.

this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by fine not more than two hundred dollars, or both. Penalty.

SEC. 49. If at any election hereafter held in the city of Wilmington, any person shall falsely personate any elector or other person, and vote or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own, or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office, or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or vote more than once or vote in more than one election district, or having once voted, shall vote or attempt or offer to vote again, or shall knowingly, willfully or fraudulently do any unlawful act to secure an opportunity for himself or for any other person to vote, or shall by force, threat, menace, intimidation, bribery or reward or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any elector in giving his vote, or prevent or hinder, or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage, or by any such means induce or attempt to induce any such voter to refuse to exercise any such right, or shall by any such means or otherwise compel or induce or attempt to compel or induce any inspector of election, or other officer of election in any election district, to receive the vote of any person not legally qualified or entitled to vote at the said election in such district, or shall knowingly, willfully or fraudulently interfere with, delay or hinder in any manner any inspector of election, poll clerk or other officer of election in the discharge of his duty, or by any of such means or other unlawful means knowingly, willfully or fraudulently counsel, advise, induce or attempt to induce any inspector of election, poll clerk or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty or to violate any law regulating the same, or to receive the vote Unlawful for persons to personate an elector.
Unlawful to attempt or offer to vote unless legally qualified.
Unlawful to interfere with inspector or clerk in any manner.

OF ELECTIONS.

of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel or advise, procure or assist any voter, person or inspector of election or other officer of election, to do any act by law forbidden or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished for each and every such offense by imprisonment in the county jail for not more than two years, or by a fine not more than two hundred dollars, or both.

Penalty.

Unlawful for clerk or inspector to keep a false poll list.

Misdemeanor.

SEC. 50. If any poll clerk, or any inspector of election performing the duty of poll clerk, shall willfully keep a false poll list, or shall knowingly insert in his poll list any false statement, or any name or statement, or any check, letter or mark, except as in this act provided, he shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Unlawful for inspector knowingly to exclude a vote duly tendered or to receive a vote duly challenged, &c.

Misdemeanor.

SEC. 51. Every inspector of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall, upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Officer making false canvass, false return, or false certificate, guilty of a misdemeanor.

SEC. 52. Every inspector of election, member of the Department of Elections, poll clerk or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, who shall willfully make any false canvass of such votes, or who shall make, sign, publish or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully deface, destroy or conceal any statement or certifi-

OF ELECTIONS.

cate entrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by a fine of not more than two hundred dollars, or both.

SEC. 53. If any person other than an inspector of election shall, at any such election, knowingly and willfully put, or cause to be put, any ballot or ballots or other paper having the semblance thereof into any box used at such election for the reception of votes, or if any such inspector shall, knowingly and willfully, cause or permit any ballot to be in said box at the opening of the polls and before voting shall have commenced, or shall, knowingly and willfully or fraudulently, put any ballot or other paper having the semblance thereof into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and checked upon the registers as hereinbefore provided, or if any such inspector or other officer or person shall fraudulently, before, during or after the canvass of ballots, in any manner change, substitute or alter any ballot, or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to the ballots found in any box upon the closing of the polls, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Persons who shall knowingly put or cause any ballot to be placed in the box unless offered by elector, guilty of a misdemeanor.

Penalty.

SEC. 54. If any member of the Department of Elections, inspector of election, poll clerk, or other officer of registration, election or canvass, of whom any duty is required in this act or by the general election laws of this State (so far as the same are consistent with the provisions of this act), shall be guilty of any willful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty for persons guilty of neglect of duty.

SEC. 55. Every inspector of election, poll clerk or other officer or person having the custody of any record, register of votes, or copy thereof, oath, return of votes, certificate, poll lists, or any paper, document or evidence of any descrip-

OF ELECTIONS.

Persons having custody of records, &c., who shall mutilate, deface or destroy or alter the same guilty of a misdemeanor.

Penalty.

tion in this act directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished for each and every offense by imprisonment in the county jail not exceeding two years, or pay a fine of not more than two hundred dollars, or both.

SEC. 56. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof be adjudged guilty of a misdemeanor, and for each and every such offense shall be punished by imprisonment in the county jail not exceeding two years, or by a fine not more than two hundred dollars, or both.

Persons swearing or affirming falsely, guilty of perjury.

SEC. 57. Any person who shall be convicted of willful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this act, shall be adjudged guilty of willful and corrupt perjury.

Any person who shall advise or induce persons to swear falsely subject to same punishment as in cases of perjury.

SEC. 58. Every person who shall willfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury.

Unlawful to fraudulently alter the ballot of an elector.

SEC. 59. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by

Misdemeanor.

OF ELECTIONS.

imprisonment in the county jail for not more than two years, Penalty.
or by a fine of not more than two hundred dollars, or both.

SEC. 60. If any person shall willfully disobey any lawful Person disobeying command of inspector.
command of any inspector of election, or of any board of
inspectors of elections, given in the execution of his or their
duty as such at any election, he shall, upon conviction
thereof, be adjudged guilty of a misdemeanor, and shall be Misde-
meanor.
punished by imprisonment in the county jail for not more
than one year, or by a fine of not more than two hundred
dollars, or both.

SEC. 61. If at any registration of voters, or on any day of Penalty for
breach of
the peace,
&c., where-
by proceed-
ings are
impeded.
election, or during the canvass of the votes cast thereat, any
person shall cause any breach of the peace, or use any
violence, or threats of violence, whereby any such regis-
tration, election, or canvass shall be impeded or hindered, or
whereby the lawful proceedings of any inspector of election,
or board of inspectors of election, or poll clerk, or other
officer of such election, or challenger, as hereinbefore pro-
vided, are interfered with, every such person shall, upon con-
viction thereof, be adjudged guilty of a misdemeanor, and
shall be punished by imprisonment in the county jail for not
more than two years, or by a fine of not more than two hun-
dred dollars, or both.

SEC. 62. If any person shall, knowingly or willfully, ob- Persons
obstructing,
hindering or
assaulting
inspector or
other officers
guilty of a
misde-
meanor.
struct, hinder, assault, or by bribery, solicitation, or other-
wise interfere with any inspector of election, poll clerk or
challenger in the performance of any duty required of him,
or which he may by law be authorized or permitted to per-
form, or if any person by any other means before mentioned
or otherwise unlawfully shall, on the day of registration or
election, hinder or prevent any inspector of election, poll
clerk, or challenger, in his free attendance and presence at
the place of registration or of election, in the election district
in and for which he is appointed or designated to serve, or
in his full and free access and egress to and from any such
place of registration or of election, or to and from any room
where any such registration or election or canvass of votes,
or of making any returns or certificates thereof may be had,
or shall molest, interfere with, remove or eject from any
such place of registration, or poll of election, or of canvassing
ballots cast thereat, or of making the returns or certificates
thereof, any such inspector of election, poll clerk or challen-
ger, or shall unlawfully threaten, or attempt, or offer to so

OF ELECTIONS.

do, every such person shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty. SEC. 63. Any inspector of election who shall willfully neglect, or when called on, shall willfully decline to exercise the powers conferred on him in this act, for any of the purposes set forth in Section 42 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than two hundred dollars, or both.

Unlawful to steal or break open ballot box. SEC. 64. If any person shall, upon the day of any such election, or before the canvass of votes is completed, steal or willfully break or destroy any ballot-box used or intended to be used at such election, or shall willfully or fraudulently conceal, secrete or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or cancel any ballot which has been deposited in any ballot-box at such election which has not been already counted and canvassed, or any poll list used or intended to be used at such election, or any report, return, certificate, or other evidence in this act required or provided for, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall for each and every such offense be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Unlawful to deface ballots.

Unlawful for inspector or clerk to admit any person to registration, &c., except by consent of the majority of inspectors SEC. 65. If in any election district in any registration of voters, or at any city election hereafter held in the city of Wilmington, any inspector of election or poll clerk shall knowingly or willfully admit any person to registration, or mark any entry upon any register of voters or poll books, or receive any vote, or proceed with a canvass of ballots, or shall consent thereto, unless a majority of the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than sixty days, or by a fine of not more than one hundred dollars, or both.

Irregularities no defense. SEC. 66. Irregularities or defects in the mode of noticing, canvassing, polling or conducting any election au-

OF ELECTIONS.

thorized by this act shall constitute no defense to a prosecution for a violation of the provisions of this act.

SEC. 67. Upon any prosecution for procuring, offering or casting an illegal vote, the accused may give in evidence any fact tending to show that he honestly believed, upon good reason, that the vote complained of was a lawful one; and the jury may take such facts into consideration in determining whether the acts complained of were fully done or not.

SEC. 68. It is hereby made the special duty of the Attorney-General of the State of Delaware to immediately prosecute all complaints which may be made of a violation of any of the provisions of this act to final judgment; and it shall be the duty of the Department of Elections to notify the said Attorney-General of all violations under this act.

SEC. 69. That all laws, or parts of laws heretofore passed, inconsistent with any of the provisions of this act, be and the same are hereby repealed.

SEC. 70. This act shall take effect from its passage with this proviso, that the next city election in the city of Wilmington, in the month of June, in the year eighteen hundred and eighty-seven, shall be held in accordance with the present existing laws, and none of the provisions of this act shall apply thereto.

* * * * *

ASSESSORS AND COLLECTORS.

SEC. 77. There shall be elected, at the city election in the year 1889, and in every second year thereafter, two Assessors and Collectors for the city of Wilmington, for the term of two years each, one of whom shall reside in and be voted for and elected in and for that portion of the city north of Sixth street, and the other one in and for that portion of the city which lies south of Sixth street. Whenever a street is named as a boundary in this section, the centre thereof shall be understood. The Assessors shall be also the Collectors of the city for their respective districts, and as such shall give bonds as provided in Section 97 of this act. A failure to elect by reason of two or more persons voted for for the office of Assessor and Collector, having a legal and at the same time the highest number of votes for such office, shall be deemed a failure to hold an election as to such officer, and thereupon the City Council at its next meeting shall elect such officer.

OF ELECTIONS.

Freehold
qualification

SEC. 78. No person shall be elected an Assessor and Collector, as aforesaid, who shall not have been, for at least six months before his election, the owner of a freehold estate within the said city, the value of which, according to the city assessment made next before his election, shall be at least five hundred dollars clear of all incumbrances.

OFFICE OF SECRETARY OF STATE,

DOVER, January 1st, 1892.

In obedience to the directions of Chapter 370, Volume 19, Laws of Delaware, I have collated and caused to be published in the foregoing pamphlet, an act entitled "An act to provide for the Secrecy and Purity of the Ballot," an act entitled "An act to provide for the Registration of Voters," an act entitled "An act to provide for the Registration of Voters in the City of Wilmington," and such other laws as relate to general and special elections in the State and municipal elections in the City of Wilmington, with a preface, giving as briefly as possible the requirements of the law, instructions as to its operation, and a full index to the same.

I have also prepared and caused to be prefixed to this pamphlet a diagram showing the arrangement of an ordinary polling place, a sample ballot, and a digest of the duties of officers.

DAVID T. MARVEL,

Secretary of State.

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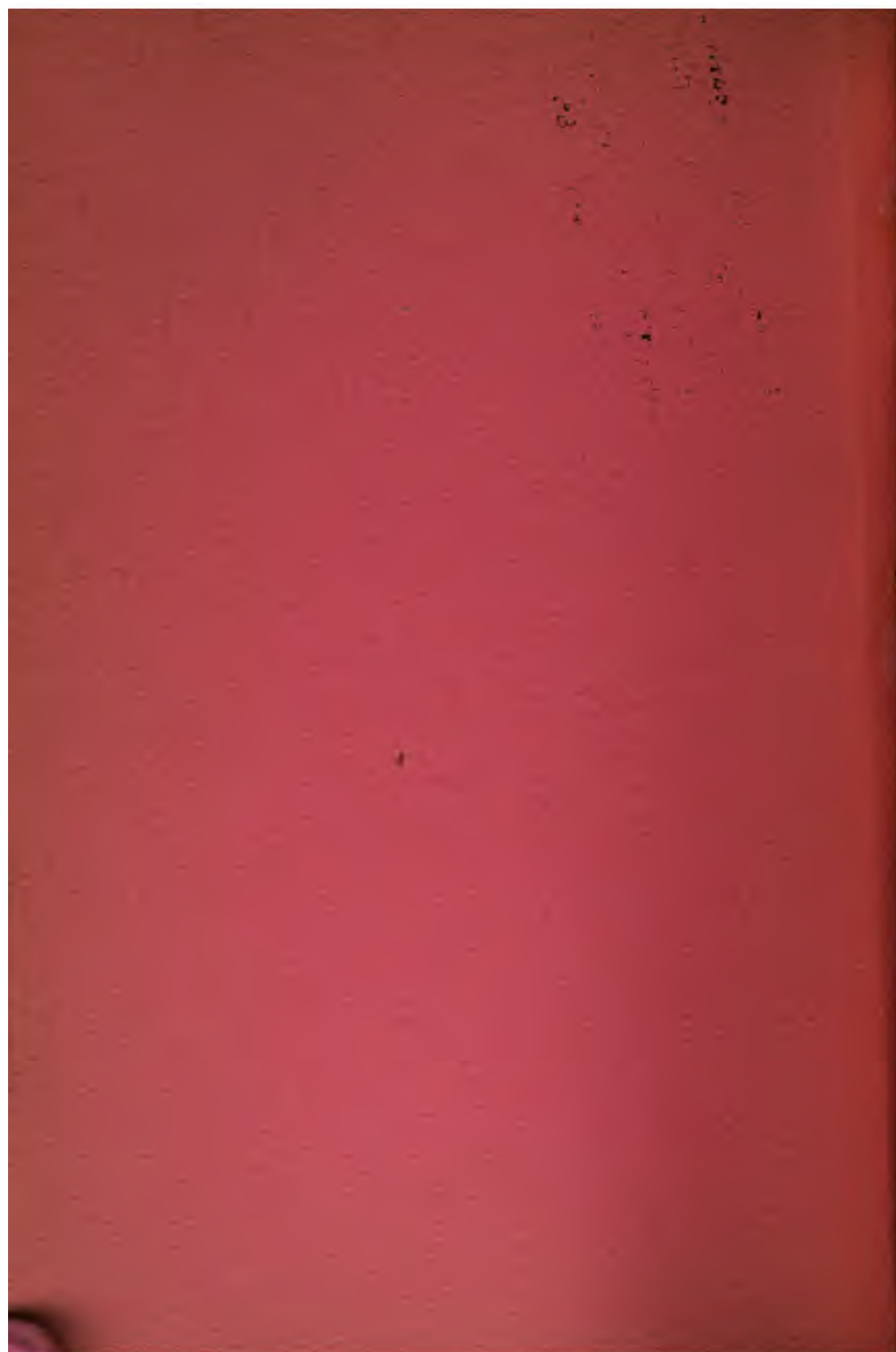
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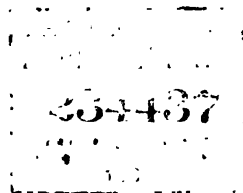
REGISTRATION
AND
ELECTION LAWS
OF THE
STATE OF DELAWARE,
OUTSIDE THE CITY OF WILMINGTON.



REGISTRATION
AND
ELECTION LAWS
OF THE
STATE OF DELAWARE, *State Dept.*
OUTSIDE OF THE CITY OF WILMINGTON.

PUBLISHED BY AUTHORITY OF AN ACT OF THE GENERAL ASSEMBLY,
BY JAMES H. HUGHES, SECRETARY OF STATE.

1898.
PRESS OF THE HERALD,
MILFORD, DEL.



CHAPTER 42, VOLUME 21.

AN ACT in relation to printing and distributing the Registration, Ballot and other election Laws of the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to have printed in pamphlet form, with index and side notes, fifteen hundred copies of the Registration laws, ballot law and other election laws of the State, which he shall deem necessary for the information of the voters of the State.

Secretary of State
to have printed
election laws.

In three hundred of said pamphlets he shall also include the Act entitled "An Act creating a Department of Elections for the City of Wilmington," passed and approved at the present session and such other election laws as relate specially to the City of Wilmington. Said printing shall be done by contract to be awarded to the lowest responsible bidder, after notice and in accordance with specifications, advertised by said Secretary of State, in one newspaper in each county for two publications in two successive weeks.

What pamphlets
to include.

Contract for
printing, bids

SECTION 2. That the cost for printing the said pamphlets shall not exceed the sum of two hundred and fifty dollars, which said sum or so much thereof as is necessary be and the same is hereby expressly appropriated for that purpose out of any moneys in the State Treasury not otherwise appropriated and shall be paid by the State Treasurer upon the order of the Secretary of State, setting forth the different items of expense of the printing of said pamphlets.

Limit of cost.

Appropriation.

How paid.

Distribution of
pamphlets.

SECTION 3. When the said pamphlets are printed, the same shall be distributed as follows: One to each Registrar in the State outside of Wilmington and to the Department of Elections of the City of Wilmington a sufficient number for Registrars in the City of Wilmington, and the remainder to be divided equally among the members of the General Assembly, except one hundred copies, which shall be retained by the Secretary of State for general distribution.

Approved June 1st, A. D. 1898.

PREFACE.

In accordance with the foregoing Act of the General Assembly, I have published in this pamphlet the Registration laws and other election laws, enacted at the adjourned session, 1898. I have also included the ballot law with the changes made therein by Chapter 396 of Volume 20, and the other election laws of the State.

In view of the fact that a Registration law very similar to the one printed in this pamphlet has been in force in this State for several years I do not deem it necessary to enter into detailed explanations or suggestions, but will simply state that the present law follows the old Registration law except where it has been found necessary to vary it to comply with the provisions of the new Constitution. The Registration law is in three parts, viz.: An Act concerning the appointment of Registration Officers and the preparation and delivery of Registration books; An Act creating a Department of Elections for the City of Wilmington; and An Act providing for a uniform system of Registration of all qualified voters in this State. The first and the last laws are printed in this pamphlet as they cover the registration of voters outside of the city of Wilmington. (The Act creating a Department of Elections is found in another pamphlet containing the election laws relating especially to Wilmington.)

A careful perusal of these acts will make it easy for the Registration officers, as well as the voters, to comply with their provisions.

Nor does the ballot law need much explanation as we have held three elections under its provisions and but few changes have been made in it since its enactment. These changes are, however, very important ones and are briefly stated as follows:

1. The ballots have no small squares opposite the names of the candidates, but one large square enclosing the name and the device at the head of each party ticket. Under the law passed in 1897 and being Chapter 396, Volume 20, there is provided in Section 2 thereof a plain and simple method of stamping the ballot and of making changes therein if the voter so desires.

2. The Clerk of the Peace now folds all ballots before delivering them to the election officers, thus making it less difficult for the voter to comply with the law in folding his ballot.

3. The initials of the Clerks of Election are not placed on

the corner of the ballot as heretofore, but across the back of the ballot as folded, and as near the middle thereof as possible.

4. There is no voters' assistant, and the only voters who are allowed to have assistance are those who are physically unable to prepare, stamp or fold their ballot by reason of defective eyesight, or the loss of the use of one or both hands, or inability to walk with safety without assistance.

5. More stringent restrictions on entering polling places or interfering with the holding of elections.

The other new laws of importance are the "Act in regard to general elections, which prescribes election districts, voting places, duties of election officers, counting and canvass of votes and certificates, etc., and the laws relating to the registration and voting of persons engaged in the military or naval service of the United States.

CHAPTER 35, VOLUME 21.

AN ACT concerning the appointment of Registration Officers and the preparation and delivery of Registration Books.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

SECTION 1. The Governor shall, sometime in the month of June in each year in which a general election is held, appoint in each election district in this State, outside of the City of Wilmington, three capable persons, who shall be voters and resident in the Election District for which they shall be appointed, who shall be the registration officers of the Election District for which they are appointed; one of whom shall be designated as "Registrar," and the other two "Assistant Registrars," and not more than two of them shall be of the same political faith; provided, that the number of registration officers in each Representative District, shall be divided as equally as possible between the two leading political parties, as the same shall be determined upon by the Governor at the time of making the appointments. For each appointment accredited to any political party under this section the County Executive Committee of such political party shall furnish the Governor on or before the first day of June of the year in which said appointment is to be made a list of three names of properly qualified persons, from which lists the Governor shall make his appointments. Provided however, that if the said lists of names are not furnished as aforesaid then and in that event the Governor shall appoint some suitable person or persons of such political party having all the qualifications provided by this section.

Provided however, that in the case of the Registration officers to be appointed in this present year eighteen hundred and ninety-eight, the appointment of the said Registration officers shall be made sometime between Saturday, the eleventh day of June, and Saturday, the twenty-fifth day of June in said year; and provided further, that the lists of names to be furnished by the County Executive Committees from which the appointments of such Registration officers shall be made, with regard to those to be appointed in

Governor to appoint Registration Officers.

Number.

Qualifications.

Designation.

Politics.

Apportionment between two leading parties.

Recommendation of names.

Time of furnishing names.

Failure to furnish names.

Registration officers for 1898.

Time of appointment

Time of furnishing names

Term of office.	the year aforesaid shall be furnished not later than Saturday, the 11th day of June in the year aforesaid. The terms of office of such Registration officers shall begin on the first Tuesday in July next after their appointment, and shall continue for two years thereafter, and until their successors shall be duly chosen and qualified.
Governor to appoint Alternate Registrars.	I. It shall be the duty of the Governor, when appointing Registration officers for the several election districts of this State, at the same time to appoint in each election district in the State outside of the city of Wilmington, one capable person, who shall be a voter and resident in the election district for which he shall be appointed, to be "Alternate Registrar" for the said election district.
Term of office.	The term of office of said "Alternate Registrar," shall be the same as that of the Registrar, and whenever the Registrar provided for by this Act shall be incapable from any cause whatsoever of performing the duties required of him by the laws of this State, the "Alternate Registrar" in the same election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a Registrar.
When Alternate Registrar acts.	
Powers and duties.	
When Alternate cannot act.	II. But nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the election district able and willing and present to act. If any Registration officer or Alternate Registrar shall remove from the election district for which he shall be appointed, or shall cease to be a voter therein, his office thereupon become vacant.
Vacancies in office of Registration officers.	
Governor to fill vacancies for residue of term.	III. If any vacancy or vacancies should occur in the office of Registrar, Assistant Registrar, or Alternate Registrar before the expiration of such term, from any cause whatsoever, the Governor shall appoint some suitable person or persons to fill such vacancy or vacancies, who shall serve for the residue of such unexpired term or terms, who shall possess the same qualifications and be qualified in the same manner, possess the same powers and perform the same duties as the original appointee or appointees. Each Registrar, Assistant Registrar and Alternate Registrar before entering upon the duties of his office, shall take and subscribe before the Clerk of the Peace of the County in which he shall reside the following oath or affirmation which the said Clerk of the Peace is hereby authorized to administer :
Qualifications.	
Oath	
Form of Oath.	" I,, residing in Election District of, Representative District in County, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of

Delaware, and that I will faithfully discharge the duties of the office of Registrar (or Assistant Registrar or Alternate Registrar) for Election District in, Representative District in County, faithfully, honestly, fairly, impartially and according to the best of my ability; that I am a citizen of the United States, and of the State of Delaware, and I am not a candidate for any office to be voted for by the electors of the election district for which I am appointed Registrar (Assistant Registrar or Alternate Registrar), and that I am a qualified voter in said election district."

IV. Should the said Registrar (Assistant Registrar or either of them or Alternate Registrar) after taking said oath and before entering upon the active duties of said office become a candidate for any office to be voted for by the electors of the election district for which he is appointed Registrar, Assistant Registrar or Alternate Registrar, the said office shall *ipso facto* become vacant and be filled by the appointment of another person to the same. After any Registrar, Assistant Registrar or Alternate Registrar shall have entered upon the active duties of his office he shall thereby become ineligible to any office to be voted for at the next ensuing general election.

Becoming
Candidate for
office to create a
vacancy.

Filling vacancies

Officers to be
ineligible to
office.

SECTION 2. Each and every person appointed as aforesaid to act as Registrar, Assistant Registrar or Alternate Registrar shall qualify as such Registrar, Assistant Registrar or Alternate Registrar by taking or subscribing the oath or affirmation prescribed in the preceding section, within ten days after being notified of his appointment, and shall perform the duties of the office for the term for which he was appointed, unless he shall become disqualified by sickness or otherwise; but any Registrar, Assistant Registrar or Alternate Registrar who shall be appointed to fill a vacancy shall qualify forthwith.

Qualification
by oath.

Time.

Must act.

If any Registrar, Assistant Registrar or Alternate Registrar who, being appointed either for a full term or to fill a vacancy, shall refuse to qualify as aforesaid, or, having qualified, shall fail or refuse to perform any of the duties of said office, he shall forfeit and pay to the State a fine of one hundred dollars upon conviction thereof by indictment in the Court of General Sessions of the county where such offence was committed.

Refusal to
qualify and act.

Penalty.

The Registration officers aforesaid during the time they hold such office shall be exempt from the performance of military and jury duty, and no person who by the laws of this State is exempt from jury duty shall be required to serve as Registration officer.

Exemption from
jury or Military
duty.

Exemption from
serving as
Registration
officers.

Preparation of books.

SECTION 3. It shall be the duty of the Governor to cause the following books to be prepared, at the expense of the State, for the use of the said Registration officers in each election district in this State, including those in the City of Wilmington for the registration of names and facts following, to wit:

Registers.

I. Two books for the Registration officers in each election district, including those in the City of Wilmington, to be known by the general name of "Registers," and to be so arranged as to admit of the convenient entry of the following particulars:

Entries.

First. The name of the person applying to be registered, written in full (or his first christian name, and also any other name by which he is generally known, written in full, with the initial or initials of any other name or names which he may have in addition thereto).

Second. Whether his registration fee is paid or unpaid.

Third. His color.

Fourth. His age.

Fifth. The place of birth.

Sixth. The place of his residence, of street and number, if any, and his post-office address.

Seventh. The time of his residence in the State, county and election district in which he shall apply to be registered.

Eighth. If naturalized.

Ninth. If registered voter.

Tenth. If disqualified.

Eleventh. Date of application for registration.

Twelfth. If challenged.

Thirteenth. Cause of challenge.

Fourteenth. Appeal.

Fifteenth. Remarks, explanatory and supplementary.

Style of books.

II. Such Registers shall be uniform in their general character, shall be ruled in parallel columns, and shall be of such size as to contain not less than fifteen hundred names.

Ruling and headings.

III. The ruling and the heading in the above described Registers shall be substantially in the form following, to wit:

.....Name,.....
Registration Fee,.....
Color,.....
Age,.....
Nativity,.....
Residence,.....
State,..... : Term
County,..... : of
Election District,..... : Residence.
Naturalized,.....
Registered Voter,.....
Disqualified,.....
Date of Application,.....
If Challenged,.....
Cause of Challenge,.....
Appeal,.....
Remarks,.....

Second. Two books for the Registration officers of each election district, to be known by the name of "Books of Registered Voters." Lists of all persons whose names may be entered on the aforesaid as "registered voters." Said books to be ruled in parallel columns and so arranged as to admit of the convenient entry in alphabetical order of the name of every person who may be entered on the registers aforesaid as a "Registered Voter," and in the parallel column opposite the name of such person the following particulars, to wit:

First. His residence.

Second. His color.

Third. His age, if it be between the age of twenty-one and twenty-two years on the day of the next general election.

Fourth. A book to be known as "Registration Certificates," to contain not less than fifteen hundred blanks and printed in manner and form as hereinafter provided.

SECTION 4. The Sheriff of each County shall, some time previous to the last Saturday in the month of July, in the year of holding the general election, deliver to the Registrar of each election district of his county, two of the books known as "Registers," two of the books known as "Books of Registered Voters," and a book of Registration certificates hereinbefore provided for; which said books addressed to the Registrar of each election district of the County, the Governor shall cause to be delivered to the sheriff

Books of
Registered
Voters.

Rulings.

Registration
Certificates.

Delivery of
books by Sheriff.

Governor to
deliver books to
Sheriff.

Where in each of the counties of this State on or before the third Tuesday in July in the year of holding the general election.

Endorsements on
books by
Registrars.

SECTION 5. Each of the said Registrars immediately upon receiving said "Registers," "Books of Registered Voters" and book of "Registration Certificates" shall endorse upon the back and write at the head of each "Register," "Book of Registered Voters," and "Registration Certificates," delivered to him as aforesaid, the name of the county and the name of the election district of such county of which he is a registrar and of which such books shall respectively be the "Registers," "Books of Registered Voters" and book of "Registration Certificates" as aforesaid.

SECTION 6. All Acts and parts of Acts supplied by or inconsistent with this Act are hereby repealed.

Approved May 20, A. D. 1898.

CHAPTER 36, VOLUME 21.

AN ACT providing for a uniform System of Registration of all Qualified Voters in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That for the purpose of preventing fraud at all elections held on the Tuesday next after the first Monday in the month of November, as provided by Section 1 of Article 5 of the Amended Constitution, and facilitating the ascertainment of those who are duly qualified electors according to the said amended Constitution and laws of this State, there shall hereafter be a general registration of all the qualified voters resident in each election district of this State.

General
Registration of
of Voters.
Purpose.

SECTION 2. It shall be the duty of the Registrar and two Assistant Registrars appointed in each election district in this State to register the names of all qualified voters in each of such election districts as hereinafter provided in this Act. And to that end shall sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector at the general election then next following, at such public and suitable places in their respective election districts as will, in their judgment, be most convenient for the voters thereof, from 8 o'clock A. M. until 7 o'clock P. M., with an intermission from 12 till 1 o'clock, on the three successive Saturdays in August, beginning with the first Saturday in August, and on the third Saturday in September, and on the third Saturday next preceding the day of election.

Duty of
Registration
officers.

Sittings for
registration.

Places.

Hours.

Days.

Each of said Registrars, at least ten days prior to the first sitting for the purpose of registration as aforesaid, shall give public notice, by advertisement, posted in ten or more of the most public places in his election district, of the places where the Registration officers shall sit for the registration of voters as aforesaid, and the day or days when they will sit at each of said places.

Notice of places
of sitting.

Persons who are
admitted in
room.

Limitation of
witnesses in
room.

Other persons
not admitted.

Ejecting persons.

SECTION 3. The Registration officers shall admit into the room in which registration is being made one suitable person to be selected by and to represent each of the political parties having tickets to be voted for at the coming election, the applicants for registration (one at a time) and such witness or witnesses as the applicant may desire to establish his right to be registered, and such witness or witnesses as the person who challenges the right of any applicant to be registered as he may name, provided, however, that in no case shall there be more than one witness in the room at the same time, and provided further that no other person or persons shall be admitted into the room during the registration of voters, and they may eject from the room any of such persons behaving in a disorderly manner.

Registration
officers to meet.

SECTION 4. The Registrar and the Assistant Registrars in each election district in this State shall at the times in this act designated for registration meet in their respective election districts at the places which, as provided in this Act, shall be designated for such meeting, and at such times shall do and perform the following acts, viz. :

Collection of
Registration fee.

Recording name
of applicant.

Examination of
applicants and
entries.

First, Upon the personal application of any one to be registered, it shall be the duty of the registrar to demand and receive of the applicant, the registration fee of one dollar, which shall be returned to the said applicant if his name shall not be entered on the books of Registered Voters as a "A Registered Voter."

Second, They shall record in the registers in the column head "name" the name of every male person who shall personally appear before them, and apply to be registered, writing his surname and first christian name in full, and also any other name by which he is generally known, with the initial or initials of any other name or names which he may have in addition thereto, the surname being written first. The names of said applicants for registration shall be numbered consecutively in the order of their application, the number being entered on the Registers in figures immediately before each name.

Third, They shall examine all persons, who personally apply, as to their qualifications as electors, and shall immediately enter in the Register the statements and facts below set forth, and in the manner following, viz:

Registration fee.

I. In the column headed "Registration Fee," the word "paid" or "unpaid," as the case may be.

II. In the column headed "color," they shall enter his color. *Color.*

III. In the column headed "age," the age of the applicant. *Age.*

IV. In the column headed "nativity" they shall enter the *Nativity.*
State, territory or country in which the applicant states he was born.

V. Under the column "residence" the name and number of *Residence.*
the street, avenue, or other location of the dwelling, if there be a number, and if there shall not be a number, the postoffice of the person so applying for registration, or such other clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined.

VI. In the subdivision of the column headed "term of resi- *Term of*
dence," how long he has resided in the State, how long in the *residence.*
County, and how long in the election district in which he applies to be registered.

VII. In the column headed "naturalized," the words "yes" *Naturalization.*
or "no" or "native" as the facts shall appear.

VIII. In the column headed "registered voter," if the regis- *Registered voter.*
tration officers shall be satisfied, upon examination or otherwise, that the applicant for registration is entitled to be registered as a registered voter, they shall write his name in full as written in the first column.

IX. In the column headed "disqualified," if they are satisfied *Disqualified.*
upon examination or otherwise, that the applicant for registration is disqualified as an elector in the election district in which he shall apply to be registered, a line shall be heavily drawn in ink opposite his name headed "Registered Voter" and the cause of his disqualification shall be briefly stated in the column headed "disqualified," opposite his name as first recorded, and a line shall be drawn across his name as first entered, but in such manner that said name shall remain legible. Provided that every applicant for registration shall, upon payment of the registration fee, be held and considered to be a qualified voter, if he be a male citizen of this State of the age of twenty-one years and upwards, or who will be the age of twenty-one years on or before the day of election, next succeeding his registration, and will have resided in the State one year next

Qualifications for registration as qualified voters.

Who may not acquire residence.	before such election, and for the last three months thereof will have been a resident of the county, and for the last thirty days a resident of the election district in which he may offer to vote and in which he shall have been duly registered; provided that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place
Disqualifications	or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law a felony, or person who shall have been rendered incapable of voting by reason of violating Section 7 of Article 5 of the Constitution of this State for ten years next following his conviction and sentence thereunder, shall be held or considered a qualified voter.
Date of application	X. In the column headed "Date of Application," they shall enter the day of the month and year on which application for registration is made.
Challenges.	XI. In the column headed "if challenged" the words "yes" or "no."
Cause of challenge.	XII. In the column headed "cause of challenge," they shall enter the objections and by whom made.
Appeal	XIII. In the column headed "Appeal" they shall answer "yes" or "no."
Remarks.	XIV. In the column headed "remarks" they may enter such facts or statements as they may deem pertinent to the qualification or disqualification of the applicant as an elector.
Postponement of registration of applicants in case of doubt	Fourth. In making the entries hereinbefore specified the Registration officers shall in every case, make such entries in the columns above specified opposite the name of the applicant to whom such entries are intended to apply, if the Registration officers shall be in doubt, after the primary examination of the applicant for registration, and upon such evidence as may be immediately obtainable, whether such applicant ought to be registered as a registered voter, they may postpone the determination of the matter to their next sitting or to a later sitting at the request of the applicant.
Signing each days registration	Fifth. It shall be the duty of the Registration officers of each and every election district in this State, upon the close of each day's registration, to write in the line on their registers, immediately

below the last person registered on said day the words "end of the day's registration," and immediately under said entry the said Registration officers shall sign their respective names with the proper designation of their office. The said entries shall in no way interfere with the numbering of the names of the persons as the same shall be entered upon said registers, but the same shall be continued as if the said entries had not been made.

Not to interfere with numbering of names.

SECTION 5. If, upon the personal application of any one to be registered, he shall be challenged for having received or accepted, or for having offered to receive or accept, or for having paid, transferred or delivered, or for having offered or promised to pay, transfer or deliver, or for having contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, it shall be the duty of the Registrar to administer to the person so challenged an oath or affirmation as follows, viz.:

In case of challenge for bribery etc., oath to be administered.

"You do solemnly swear upon the Holy Evangelists of Almighty God (or 'You do solemnly, sincerely and duly declare and affirm') that you have not received or accepted or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register at the registration for this present year, so help you God" (or "so you do solemnly, sincerely and truly declare and affirm").

Form of oath.

Such oaths or affirmation shall be conclusive evidence to the Registration officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and on conviction thereof shall bar any prosecution under Section 8 of Article 5 of the Amended Constitution. If any person so challenged as aforesaid, shall refuse to make the oath or affirmation above prescribed, then it shall be the duty of the Registration officers to cause a line to be heavily drawn in ink opposite his name in the column headed "Registered Voter," and the column headed "Disqualified" to insert the words "disqualified for refusing to make the oath concerning bribery at registration," opposite his name as first recorded, and a line shall be drawn across his name as first entered, in such manner that said name shall remain legible.

Oath to be conclusive evidence.

False oath, perjury.

Refusal to make oath.

Entry of disqualification.

Entries in books
of registered
voters in
presence of
applicant.

SECTION 6. When the Registration officers of any election district in this State, at any of the sittings hereinbefore provided for, shall enter in the Registers the name of any applicant for registration as a registered voter, they shall immediately thereafter enter, in the presence of such applicant, if he remains in attendance, in its proper alphabetical place in the "Book of Registered Voters," heretofore provided for, the name of such applicant, and also his residence, and color, and his age, , if he will be between the ages of twenty-one and twenty-two on the day of the next following general election.

Certificate of
registration.

II. And the Registrar shall give to each person who is registered as a registered voter and who may request it a certificate to the following effect :

Form of
certificate.

..... Election District, in Representative District, in County, State of Delaware.

Dated day of, 18....

I do hereby certify that has this day been registered as a registered voter in the election district above mentioned, and that his number on the registers is number

[Signed]

Registrar for Election District, in Representative District, in County.

Printing of
alphabetical lists
of registered
voters.

III. The said Registration officers shall within one week after their third sitting as aforesaid cause to be printed not less than fifty copies of the alphabetical lists of registered voters as contained in the "Book of Registered Voters," together with the entries opposite the names in said books, and shall within the said week cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in their election district, and shall use the remaining copies in such a manner as in their judgment will be most likely to secure publicity and general inspection.

Posting of lists.

Review of
decision of registra-
tion upon
affidavit.

SECTION 7. Upon the affidavit of a legal voter in an election district, made before any person authorized by the laws of this State to administer oaths and represented to the Registration officers of the election district, of which said affiant is a voter, that in his opinion any person (naming him) is illegally registered in such election districts as a registered voter and setting forth the reasons therefor, it shall be the duty of the Registration officers to examine

into the matter of the registration of such persons, and, if said Registration officers deem it a proper case for a hearing, notice shall be given to such person, either personally or in writing, in the manner hereinafter provided, to appear before the said Registration officers at their next sitting to show cause why his name shall not be stricken from the "Books of the Registered Voters" of such election district. And if upon examination an inquiry the Registration officers shall be satisfied, at the sitting at which such person had notice to appear, that he ought not to be registered as a registered voter, a heavy line shall be drawn in ink through his name in the column headed "Registered Voter," and a line shall be drawn through his name as first entered, but in such manner as said name shall remain legible, and the cause of his disqualification shall be briefly stated in the column headed "Disqualified," and in the column headed "Remarks," opposite his said name shall be written the words "adjudged disqualified on revision by the Registration officers," and the date when his disqualification was ascertained as aforesaid and in the books of "registered voters" a heavy line of ink shall be drawn through his name, his residence, his color and his age.

Hearing.
Notice of.

Entries in case
of decision to
strike off name.

SECTION 8. If any person registered as a registered voter, in any election district in this State, shall, after he is so registered, removed from the district in which he is so registered to any other district in the county, he may apply in person to the registration officers of the election district in which he is registered and have his name stricken from the "Registers" and from the "Books of Registered Voters" in which his name shall appear, and may obtain from said registration officers a certified copy of the entries in the register relating to him, together with a certificate that his name has been stricken from the register and books of registered voters, as aforesaid; and it shall be lawful for him, after his name shall be so stricken from said registers and book of registered voters, to cause himself to be registered in the election district to which he may have removed upon producing the aforesaid certificate and copy of entries in said registers and books of registered voters; provided that by the next following general election he will have acquired in the election district to which he has removed the residence required by the constitution. And the registration officers to whom such persons may apply to have his name stricken from the registers and books of registered voters shall draw a line in ink through his name and all the entries opposite his name in said registers and books of registered voters, and in the column in the registers headed "remarks" shall enter "removed from this

Removal from
District in which
registered.

Application to
officers.

Certified copy of
entries and
certificate.

Registration in
other District.

Proviso as to
residence.

Entries in case of
such application.

election district into.....election district in this County," and shall prepare and deliver to him the certified copy of entries and the certificate aforesaid.

Quorum and acts
of Registration
Officers.

SECTION 9. At every sitting of said Registration officers two shall constitute a quorum and the acts of a majority shall be as valid as the acts of all of them.

Written notice,
what sufficient.

II. In all cases where written notice is required by this act to be given to any person such notice shall be deemed sufficient if addressed to the person to be notified at the postoffice named by him, at the time of his application for registration, and deposited in the mail not later than the Wednesday next preceding the sitting of the Registration officers at which he may be notified to appear.

Comparison of
Registration
Books.

SECTION 10. It shall be the duty of the Registration officers, immediately after the close of their last sitting, carefully to compare the two Registers, and see that they agree with each other in every particular, and also to compare the alphabetical lists of "Registered Voters" as contained in the "Books of Registered Voters" aforesaid, with the said Registers, and to see that the name of every person entered upon the Registers as a Registered Voter is entered in its proper alphabetical place on each of the two lists of Registered Voters, together with the residence and color, and also the age if it be between the ages of twenty-one and twenty-two years on the day of the next general election, as entered on the Registers. And if any name in the Registers which ought to have been entered on said alphabetical lists of Registered Voters shall have been omitted therefrom, it shall be the duty of said Registration officers to enter such name in its proper alphabetical place, on the proper alphabetical lists, together with the proper entries as they appear on the said Registers.

Entry of omitted
names.

Corrections of
books.

II. And it shall be the further duty in such comparison of the alphabetical lists with the Registers to make such corrections on the alphabetical lists as will make the names and entries appearing on the alphabetical lists agree with the same names and entries as entered on the registers. It shall also be the duty of the said Registration officers, within three days after their last sitting, to append to each of said alphabetical lists of "registered voters" contained in said "Books of Registered Voters" a certificate, verified by the oath or affirmation of said Registration officers, or at least two of them, that the said "Book of Registered Voters" contain a complete list of the registered voters of said election district,

Certificate to be
appended to
books.

as the same are entered in the "Books of Registered Voters" of such election district.

III. And the said Registration officers shall, within the three days aforesaid, also append to the registers of their election districts a certificate that each of said Registers is the official Registrar of such election district, and, so far as within their knowledge, no false or improper entries have been made therein, which certificate shall be made and verified by at least two of said Registration officers.

Certificate to be appended to Registers.

SECTION 11. From the decision of the Registration officers granting or refusing registration, or striking or refusing to strike a name or names from the Registration lists, any person interested, or any Registration officer may appeal to the Resident Associate Judge of the county, or in case of his disability or absence from the county, to any Judge entitled to sit in the Supreme Court, whose determination shall be final, and in order to prosecute said appeal it shall be the duty of the person taking the same to notify the "Registrar" of the election district from the decision of whose officers said appeal is taken stating in said notice the time when said appeal will be presented to the resident Associate Judge of his county or such Judge of the Supreme Court as may sit for the purpose of receiving and hearing such appeal which time shall be one of the days hereinafter named for such resident Associate Judge or Judge of the Supreme Court to sit for the purpose of receiving and hearing appeals.

Appeal to Resident Associate Judge or other Judge.
Decision final.
Notice to Registrar.
Time of hearing appeal.

SECTION 12. Each Registrar shall, before entering upon the duties of his office give bond to the State of Delaware, with at least one or more sureties to be approved by the Clerk of the Peace of the county wherein such Registrars resides, in a penalty to be determined by the said Clerk of the Peace, and to be, as nearly as can be ascertained, double the amount which such Registrar is required to collect as registration fees, of and from all voters who may be registered in his election district, the form and condition whereof shall be as follows, viz.:

Official bond of Registrar.
Amount.

KNOW ALL MEN BY THESE PRESENTS.

That we.....of.....County and
State of Delaware, are held and firmly bound unto the State of
Delaware in the penal sum of.....

Form of Bond.

lawful money of the United States of America, to be paid to the said State of Delaware or its certain attorney, or assigns, to which payment well and truly to be made we jointly and severally bind ourselves, our heirs, executors and administrators firmly by these presents.

Sealed with our seals and dated this.....day ofin the year of our Lord one thousand eight hundred and ninety.....

The condition of the above obligation is such, that if the abovebeing Registrar of..... Election District in.....

Representative District in.....County, shall faithfully and diligently collect and receive all registration fees which he shall as such Registrar, be required to collect of and from all persons who may be registered as registered voters in his said election district, and shall pay over the amount so received to the Receiver of Taxes and County Treasurer, or County Treasurer of his County in the manner and within the times prescribed by law, then the above obligation shall be void and of no effect or else shall be and remain in full force and virtue.

And further, we do hereby jointly and severally authorize and empower any attorney of any Court of Record in the State of Delaware, or elsewhere, to appear for us, and each or either of us, at the suit of the said State of Delaware or its assigns, and thereupon to confess judgment for the above penalty to the said State of Delaware or its assigns, as of the last, next, or any other term or time after the date hereof.

And further; we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

Signed, sealed and delivered in the presence of

.....[SEAL.]
.....[SEAL.]
.....[SEAL.]

Who may be
surety on Bond.

II. The surety or sureties required in the foregoing may be some Trust Company or Surety Company authorized to do business in this State and to enter into suretyship.

Filing of Bond.

III. The said bond after being executed as hereinbefore provided, shall be filed in the office of the Clerk of the Peace of the county by whom it was approved subject to the order of the Re-

ceiver of Taxes and County Treasurer or County Treasurer as the case may be.

SECTION 13. It shall be the duty of the respective Registrars appointed under this act to pay over to the Receiver of Taxes and County Treasurer, or County Treasurer of the county in which he is Registrar, all moneys which shall have come to his hands as such Registrar by the payment of registration fees, on the Thursday next succeeding the day of the general election in the year in which he shall have received such fees, and in default thereof, it shall be the duty of the Receiver of Taxes and County Treasurer, or County Treasurer as the case may be, to cause judgment to be entered on said bond in the Superior Court in and for the county, and to proceed to collect such sum as shall remain due and unpaid by the said Registrar, provided nevertheless, that it shall be the duty of the said Receiver of Taxes and County Treasurer, or County Treasurer, upon the request of any surety or sureties in said bond or whenever in his judgment, the interest of the State demands, to cause judgment to be entered on said bond at any time after the execution thereof with power to enforce collection of the same, if payment is not made as above provided for.

Registrar to pay over registration fees.

Time of payment.

Failure, judgment on Bond.

Collection of fees

Entry of Bond at request of sureties.

SECTION 14. That whenever it shall become the duty of any Alternate Registrar appointed under the provisions of this Act, to discharge and perform the duties of the registrar he shall on the evening of every day on which he shall act as such registrar pay over to the registrar of his election district and in whose place he shall have acted, or his legal authorized agent or attorney, all moneys which shall have come to his hands as registration fees, and such payment shall be his discharge from all liability for or on account of the moneys so received; and upon failure to pay over the whole or any part of the moneys received by him as registration fees while acting in the place of said registrar at any one sitting, on the evening of the day as herein required or within three days thereafter, he shall be deemed guilty of a misdemeanor and upon indictment and conviction thereof shall be fined in any sum not exceeding five hundred dollars to be determined by the Court and which shall not be more than double the amount that it shall appear to the said Court, that came into his hands as registration fees, or shall be imprisoned for a term not exceeding one year or both at the discretion of the Court.

Alternate Registrar, when acting as Registrar to pay over fees to Registrar.

Failure.

Penalty.

SECTION 15. It shall be the duty of the assistant registrars in this Act provided for to make all the proper entries in the "Regis-

Duties of Assistant Registrars to make entries.

Additional duty of Registrars. ters" and "Books of Registered Voters" as the same are required by this Act to be made, except such entries as are provided for in Section 16 of this Act; and it shall be the duty of the registrar, in addition to the other duties required of him, to fill up, prepare and deliver all certificates of registration that may be required by registered voters, and to receive and file all affidavits which may be filed.

Sittings of Judges to hear appeals.

Time of sitting in August.

Hour.

Hearing appeals.

Sitting in September.

SECTION 16. It shall be the duty of the resident Associate Judge of New Castle County to sit at the Levy Court-room of New Castle County, and the resident Associate Judge of Kent County to sit at the Levy Court of Kent County, and the resident Associate Judge of Sussex County to sit at the office of the Clerk of the Peace for Sussex County, or if said places cannot conveniently be had, then at such proper and suitable places in the county seat of the respective counties of this State as shall be designated by notice signed by the said resident Associate Judge of his county, and posted on the door of the respective places aforesaid, stating where he will sit for the purpose of hearing appeals from the decision of the Registrars in the respective election districts in this county on Thursday next following the third Saturday of August, in the year in which registration is required by law to be made, at 10 o'clock in the morning of said day, on which day he shall receive appeals from such persons as shall have appealed from the decision of the Registration officers of the respective election districts in his county, which shall be presented on said day, and he shall proceed to hear all appeals which shall have been filed as aforesaid on said day, and may continue the hearing of any such appeal or appeals from day to day during the remainder of the week, and shall sit again on the Tuesday next following for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon the previous week, and also such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard from day to day during the remainder of the week, and until all appeals which shall then have been filed shall have been heard and decided. The said resident Associate Judge shall again sit for the purpose of hearing appeals as aforesaid on the Tuesday next following the last day of registration as provided for in this Act, to receive appeals from such persons as shall have appealed from the decision of the Registration officers of the respective election district in his county as aforesaid, made on the said last day of registration, and any other appeal or appeals which for any cause he may have continued from a preceding sitting, and shall proceed to hear all appeals

which shall have been filed as aforesaid, and may continue the hearing of any such appeal or appeals from day to day during the remainder of the week, and shall sit again on the Tuesday next following, for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon the previous week, and also such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard from day to day during the remainder of the week, and until the close of the day next preceding the day of the election; provided, that all appeals which shall have been taken from the decision of the Registration officers made at their sittings in August and September, and which shall be presented to the resident Associate Judge at his sitting on the Tuesday next after the last day of registration as aforesaid to hear appeals, shall not be received and acted on unless the appellant shall make oath before the said resident Associate Judge that the delay in presenting his said appeal was not for the purpose of hindering or delaying the said resident Associate Judge or the officer of registration in his election district in the discharge of the duties imposed upon them respectively under the provisions of this Act.

Oath that delay in presenting appeal was not to hinder or delay.

II. No appeal shall be received and acted upon by the resident Associate Judge unless the appellant shall, at the time of presenting his appeal make an affidavit, that notice of his intention to present his appeal on this day was served upon the Registrar of his election district; any any person applying to the said resident Associate Judge to have any name appearing on the register and books of registered voters in his election district in any manner incorrect to be corrected shall notify the Registrar of the election district on whose books such name is incorrectly entered of his intention to make application for the correction thereof, so that the said Registrar shall and may be present with his register and books of registered voters to make such corrections therein as the said resident Associate Judge shall order and direct; *provided*, that no correction shall be ordered to be made by the said resident Associate Judge unless he shall be satisfied by the oath of the applicant or otherwise that notice of the intended application for correction shall have been given to or served upon the Registrar of the appellant's election district of his intention to make said application. All notices required to be given or served by the provisions of this section upon any Registrar shall be so given or served personally at least three days before the application is made or by leaving, in the presence of an adult male person, a written copy of such notice at the usual place of abode of such Registrar, at least three days

Affidavit of notice of appeal.

Notice to Registrar of application for corrections.

Serving of notice

Application for
correction or
appeals not to be
heard on day of
registration.

before the application shall be made, and no application for correction or for the hearing of an appeal shall be heard upon any day which is set apart by this Act as a day for the registration of voters.

Order of Judge
for making
entries.

III. Upon the decision of the respective resident Associate Judges on each and every appeal, the resident Associate Judge making the decision shall order and direct the Registrar of the election district from the decision of whose Registration officers the appeal shall have been taken, and who shall be present with his "Registers" and "Books of Registered Voters" as hereinafter provided, to make such entries in his "Registers" and "Books of Registered Voters," as such Registrar is authorized by the provisions of Section 4 of Article V of the Constitution of this State and by the provisions of this Act to order and direct to be made and as are required by law to be made in said "Registers" and "Books of Registered Voters" by the Registration officers in case where a person is entitled to be Registered as a Registered Voter, upon the payment of the Registration fee as hereinbefore provided, or as any one who is disqualified.

Duties of Resi-
dent Judge to
apply to Judge of
Supreme Court
sitting in place of
such Resident
Judge.

IV. All duties which are imposed upon the resident Associate Judge of the County by the provisions of this Act and especially of this section shall be and they are hereby imposed upon and required to be performed by such Judge of the Supreme Court as shall at any time be sitting in any of the Counties of this State for the purpose of hearing appeals under this Act, in lieu of the resident Associate Judge of the County when he shall be unable to sit either from disability or absence from the County.

Registrar to be
custodian of
books.

SECTION 17. In order that the Registrar in each and every election district in this State, may be enabled to perform the duties especially required of him by this Act, he shall retain and keep possession of and be responsible for the "Registers" and "Books of Registered Voters" and book of registration certificates of his election district at all times excepting when being used by the Registration officer of his election district for the purpose of registration; and it shall be his duty to attend and be present at all hearings of which he had notice before the resident Associate Judge of the County or such Judge of the Supreme Court as may be sitting for that purpose, of appeals which shall have been taken from the decision of the Registration officers of his election district and also upon the hearing for the correction of any name or names

Attendance at
hearing of
appeals.

on his "Registers" or "Books of Registered Voters" improperly omitted or improperly appearing or in any manner incorrect thereon, and to have with him the said "Registers" and "Books of Registered Voters" and to make such entries in said books respectively as said resident Associate Judge or Judge of the Supreme Court for the purpose of hearing such appeals and make such corrections, may order and direct.

SECTION 18. All the powers and duties conferred or enjoined upon Registrars by any of the provisions of this Act, are hereby expressly made the powers and duties of all Alternate Registrars in the absence of the Registrars from his election district, or his disability to perform the duties imposed upon such Registrar by any of the provisions of this Act; and in order to enable the Alternate Registrar to perform the duties in this Section imposed upon him, it shall be the duty of the Registrar to deliver or cause to be delivered to the Alternate Registrar the Register, Book of Registered Voters, and Book of Registration Certificates in the custody or possession of such Registrar, and all notices of appeal which shall have been served upon him, whenever it shall be the duty of the Alternate Registrar to act in the place and stead of such Registrars as provided in this Section.

Alternate Registrar, when sitting to have all powers and duties of Registrar.

Books and papers to be delivered to Alternate Registrar.

SECTION 19. It shall be the duty of the Registrar in the respective election districts of this State, on the morning of the day of the general election and one hour before the opening of the polls for said election, to deliver to the inspector, or other person authorized to hold said election in his, the said Registrar's election district, one of said "Registers" and one of said "Books of Registered Voters" in his possession, certified to us hereinbefore provided. And the other of said "Registers" together with the other of said "Books of Registered Voters" and the book of registration certificates, containing unused certificates, together with all other papers or documents relating to the registration of voters, he shall retain in his possession and safely keep, but the same shall at all proper times be open to the inspection of any one desiring to examine the same, without fee or reward, and also any one desiring to do so may be permitted to make copies or partial copies of any of said lists, books, documents or papers.

Registrar to deliver books to Inspector.

To keep other books safely.

II. And within one week after the following general election he shall deliver the said duplicates in his possession to the Clerk of the Peace of the county in which he resides, who shall safely keep

Registrar to deliver duplicate books to the Clerk of the Peace.

the same, in his office, and the same shall be open to public inspection at all convenient times as other public records in the office of said Clerk of the Peace.

Registrars
clothed with
powers of Justice
of the Peace.

Power to compel
attendance of
witnesses.

Oaths or
affirmations.

Commitment of
offenders.
To whom
process may be
issued.
Service of
process.

Fees of officers
serving process.

Registrars not to
receive compen-
sation for this
service

Compensation of
Registrar.

SECTION 20. Each of the Registrars shall in addition to the other powers conferred upon him by this Act have, during the respective times of the appointed sittings for registration, the powers of a Justice of the Peace to preserve order and enforce obedience to his lawful commands at or around the place of registration; to keep access to such place open and unobstructed; to prevent and suppress riots, tumults, violence and disorder at, around or near the place of registration, tending to intimidation, or to the obstruction of the work of registration and to protect and keep safe the registers or books for the registration of voters, while in his and the Assistant Registrar's custody and possession. He may compel the presence of witnesses before them while sitting with the Assistant Registrars as Registration officers, for all purposes connected with the performance of the duties of their office, by summons and attachment, and shall have power to administer oath and affirmation. He may, while sitting as such officer of registration, commit for trial any person committing at, or around the place of registration a breach of the peace, or any offence forbidden by this Act. He shall have the power to issue any of said summons, attachments or commitments, when sitting in any election district in this State to the Sheriff of his county or to any Constable thereof. All such process shall be served by said officers in the same manner as if they were issued by a Justice of the Peace within such county.

II. The Sheriff or Constable in any county of this State, who shall serve any such process shall receive the same fees and in like manner as it is or may be by law provided that he shall receive fees in other State cases. But no Registrar shall charge or receive any compensation for any service rendered in accordance with the provisions of this section in addition to the compensation or salary provided for in this Act.

SECTION 21. Each registrar shall receive five dollars per day for each day of actual service, either when sitting for the purpose of registration or in attendance upon the hearing of appeals before the resident Associated Judge of the county, or such Judge of the Supreme Court as may sit for hearing such appeals; and six per cent. as commission on all sums he may receive and pay over to the

Receiver of Taxes and County Treasurer, or County Treasurer, as fees from persons registering in his election district.

II. And each assistant registrar shall receive five dollars per day for each day of actual service, when sitting for the purpose of registration. Compensation of Assistant Registrar.

III. And each alternate registrar shall receive five dollars per pay for each day of actual service, when sitting in the place of the Registrar for Registration, or in attendance upon the hearing of appeals before the resident Associated Judge of the county or such Judge of the Supreme Court as may sit for hearing such appeals, and six per cent, as commissions on all sums he may receive and pay over to the registrar of his election district as fees from persons registering in his election district, said sum to be deducted from the commissions which may be allowed the registrar. Compensation of Alternate Registrar.

IV. It shall be the duty of the Levy Court in each of the counties in this State, at its November session, to ascertain the amount of compensation under this Act due the Registrars, Alternate Registrars and Assistant Registrars in their respective counties, and when so ascertained, the president of the said Levy Court shall certify the same to the State Treasurer, who shall thereupon pay to the persons entitled the sums severally due them out of any money appropriated for that purpose. Ascertainment of amount of compensation by Levy Court. Payment.

V. The cost of printing and posting the alphabetical lists contained in the Books of Registered Voters aforesaid, and of printing and mailing the notes required by this Act, and the rent of the room or rooms used by the said registration officers in the performance of the duties required by this Act, the cost of printing any forms or blanks that may be required, and the cost of the necessary ink and stationery used by them provided for by this Act, shall be paid by the Levy Court of the respective counties upon proper vouchers. Cost of printing, rent, supplies, etc. How paid.

SECTION 22. Whoever, during the sitting of the Registration officers in any election district in this State, shall bring, take, order or send into, or shall attempt to bring, take, or send into any place of registration, any distilled or spirituous liquors whatever, or shall, at any such time or place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than Bringing, taking ordering, or sending spirituous liquors into or drinking same in place of registration. Penalty.

ninety days, or by a fine of not more than one hundred dollars, or both.

Fraudulent
entries, changes
or alterations in
books of
registration.

SECTION 23. If any Registrar, Alternate Registrar, or Assistant Registrar, shall fraudulently enter or fraudulently permit to be entered, in any register, the name of any person as a registered voter who is not entitled to be entered therein as a registered voter, or if any other person not authorized by the proper registration officers shall enter into any register the name of any person as a registered voter, or if any Registrar, Alternate Registrar, or Assistant Registrar shall fraudulently refuse or omit to register, or shall fraudulently misspell in any register or in any book of registered voters in his charge, the name of any person entitled under the provisions of this Act to have his name entered in such register or book of registered voters, or if any Registrar, Alternate Registrar, or Assistant Registrar, shall fraudulently strike from any register or from either of said books of registered voters in his charge the name of any person entered therein; or if any other person not authorized by the proper registration officers shall strike from any register or from any book of registered voters the name of any person entered therein; or if any Registrar, Alternate Registrar or Assistant Registrar, shall make any entry or entries in the said register, or books of registered voters, except at the times and in the manner hereinbefore provided, or if any Registrar, Alternate Registrar or Assistant Registrar, shall do anything which is by this Act forbidden by him done, or shall omit to do anything which is by this Act required to be by him done, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Penalty.

Person causing
himself to be
wrongfully
registered.

SECTION 24. If any person shall cause or attempt to cause himself to be registered in the name of any other person living or dead, or under any fictitious name, or shall cause or attempt to cause himself to be registered in any election district in this State, knowing that he has not the right to be registered; or if any person, knowing himself to be registered in any election district in this State shall cause or attempt to cause himself to be registered in any other election district in this State without having first caused his name to be stricken from Register and Books of Registered Voters in which he may have been previously entered; or if any person, knowing himself to be disqualified as a voter at the next following general election shall cause or attempt to cause himself to be entered

on the Registers in any election district in this State as a Registered voter therein, knowing that he is not at that time a qualified voter and will not become so by the next following general election; or if any person shall by force, threat, menace, intimidation, bribery or any unlawful means, prevent or hinder, or attempt to prevent or hinder any person having a lawful right to have his name entered on the registers in any election district in this State from duly exercising such rights, or shall compel or attempt to compel by any such means, any Registrar, Alternate Registrar, or Assistant Registrar, to enter on their register the name of any person not legally entitled to be entered therein, or to refrain from entering on their registers the name of any person legally entitled to be entered thereon, or shall lawfully interfere with any Registrar, Alternate Registrar, or Assistant Registrar, in the discharge of his duties under this Act; or if any person shall make any assault or commit any assault and battery, or incite or create any riot or breach of the peace at or near to any place of registration in this State, during the sitting of any registration officers, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Or by intimidation or bribery, interfere with registration of others.

Assault, riot, breach of peace.

Penalty.

SECTION 25. If any Registrar, Alternate Registrar or Assistant Registrar, Inspector or Judge of election shall lose any register or book of registered voters which may be in his charge or custody, or if any of such officers or any other person shall willfully destroy, mutilate deface, falsify or fraudulently remove or secrete any register or book of registered voters, or shall knowingly make any false entry in or false copy of any register or part of any register, or fraudulently make any entry, erasure or alteration in any alphabetical list of registered voters, as contained in any book of registered voters, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Loss of books by registration officers.

Destruction, mutilation, etc.

False entries, etc

Penalty.

SECTION 26. If any person shall mutilate, deface, pull down or destroy at any time before the last sitting of the Registration officers any printed copy of the alphabetical list of registered voters, when the said lists are hung up as provided in Section 9 he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one hundred

Mutilation, defacement, pulling down or destroying alphabetical lists.

Penalty.

dollars or be imprisoned not exceeding one year, or may be both fined and imprisoned at the discretion of the Court.

Additional registration for special election,

SECTION 27. In any case of a special election held in this State it shall be the duty of the Registration officers of the respective election district in this State, hereinbefore provided for, to sit on the third and fourth Saturdays immediately preceding the day of such special election, from 8 o'clock A. M. until 7 P. M., with an intermission from 12 to 1, at the place where the following special election will be held, or at some convenient and suitable place in the town or village in which such election will be held, and at such sittings to add to the registers and book of registered voters aforesaid of their respective election districts the name of all persons applying to them who may have become qualified to vote since the day of the last general election, or who may become qualified to vote by the day of such special election.

How to make entries.

II. And it shall be the duties of such Registration officers in adding any new names to make the same entries in the registers and books of registered voters aforesaid, as they are hereinbefore required to make when sitting as Registration officers before any general election.

Registration officers to procure books from Clerk of the Peace.

III. The said Registration officers, within one week before their first sitting as provided for in this section, shall procure from the Clerks of the Peace of their respective counties the two registers, and the two books of registered voters and the books of registration certificates which shall have been delivered to the Clerks of the Peace as hereinbefore provided.

Duty of Clerk of Peace to deliver books.

IV. It shall be the duty of the Clerks of the Peace in the several counties to deliver said books to the said Registration officers when the same shall be applied for as aforesaid.

Delivery of books, etc., by registration officers.

V. In delivering one of the "Registers" and one of the "Books of Registered Voters" and the book of registration certificates to the inspector or other person authorized by law to hold the special election in his election district, as hereinbefore provided, it shall be the duty of the said Registrar to deliver the register and the book of registered voters, which was not used at the previous general election and the other of said registers and the other of said book of registered voters shall be delivered by the several Registrars to the Clerks of the Peace of their respective counties within one week after such special election.

SECTION 28. All acts and parts of acts supplied by or inconsistent with this Act are hereby repealed.

Approved May 27th, A. D. 1898.

CHAPTER 37, VOLUME 21.

AN ACT to facilitate the Registering as qualified voters the citizens of Delaware engaged in the performance of military or naval duty.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That every person enlisted or engaged in any military or naval organization of this State or the United States and who prior to enlistment was a resident of any hundred or election district of this State, shall not lose his domicile in such hundred or election district by reason of such enlistment.

Domicile of persons in Army or Navy not lost.

SECTION 2. That every male citizen of this State of the age of twenty-one years and upwards, and who is or shall hereafter be enlisted or engaged in any military or naval organization of this State or the United States shall be entitled to have his name registered as a voter in the hundred or election district in which he resided, prior to his enlistment, in the same right as he would have done had he remained continuously present in such hundred or election district during the period of his enlistment.

Registration of citizens in Military or Naval service.

SECTION 3. That the Governor of this State shall designate and appoint at the same time of appointing other registration officers of this State, some qualified citizen of the State as Auxiliary Registrar of Voters, who shall qualify and bond as other registrars are required to do, and whose duty it shall be to visit, sometime before the last Saturday in September in any year in which a general election is held, the military or naval encampment

Appointment of Auxiliary Registrar of voters, Qualifying of.

Duty of.

of this State, or the United States wherein the citizens of this State shall be enlisted or engaged in the discharge of military duty, for the purpose of registering, as hereinafter provided for, such citizens as voters of the hundred or election district in which they are entitled to be registered as designated in Section 2 of this Act.

Application for registration.

What deemed personal application.

SECTION 4. Upon application being made to be registered as a voter of any hundred or election district of this State, by any officer or enlisted man of any military organization before any Auxiliary Registrar of Voters as provided for in the foregoing Section of this Act, such application shall be deemed and taken to be a personal application within the meaning of paragraph 3, Section 4, of Article V of the Amended Constitution.

Notice of time of visiting camps.

SECTION 5. That the Auxiliary Registrar herein provided for, shall notify the encampment or encampments of the time he will visit them for the purpose of registering voters, that he shall sit for registering during such hours of the day as shall be arranged to suit the convenience of such military organization.

List of applicants and qualifications to be kept by Registrar.

How kept.

SECTION 6. The Auxiliary Registrar shall make and keep a complete list of the names of all those applying to him to be registered, together with their qualifications as to age, color, birth, nativity, etc., in the same manner and detail as is required to be done by on the books of registration kept by the Registrars sitting in the various hundreds or election districts of this State.

Separate lists for Districts.

Registration fee.

SECTION 7. The Auxiliary Registrar shall make a separate and distinct list for each hundred or election district of this State of all those applying to him to be registered in such hundred or election district. He shall also receive the constitutional fee of one dollar from all those so applying to him, before he shall enter their names.

Return of Auxiliary Registrar of list, etc., to registration officers.

SECTION 8. Immediately upon the completion of these lists of registration and not later than the third Saturday next preceding the day of the next general election, the Auxiliary Registrar shall make and certify under oath, and forward by registered mail or personal delivery, to the Registrars of the various hundreds or election districts of this State, the names and qualifications as recorded by him of all those who applied to him to be registered in such

hundreds or election districts; together with the constitutional fee Registration fee. for registration received by him from them.

SECTION 9. The Registrars of and for the respective hundreds Opening lists and registering by registration officers. or election districts of this State, who shall receive any such list from any Auxiliary Registrar as herein provided for, shall open such list of voters during the first hour of the next succeeding meeting of the officers of registration for the purpose of registering. Then and there the Registrar shall in a clear and distinct voice, audible to those in the room and as well to those about the window, where voters are gathered for the purpose of being registered, read the name of each voter so returned by the Auxiliary Registrar for registration. Every name shall be entered upon the books of registration kept in and for such hundred or election district, if it is found that the power represented by such name would have been qualified to have appeared there in person and been registered. But any member of the Board of Registration or any qualified voter of the election district may challenge the registering of the names upon the book of registration, for the hundred or election district; and the question of the right to register such name shall be determined by the registration officers just as they are authorized to determine like questions concerning those who present themselves before them there in the election district. The Registrar Who to be registered. shall keep complete and inviolate the list of names and qualifications just as he received them from the Auxiliary Registrar, but such list shall always be subject to the inspection of the qualified voters of the election district, provided it shall not be taken from the possession of the Registrar. Challenge.

The Registrar of the election district shall also make and keep List of those registered for inspection. for the inspection of the voters of his election district a list of all those names which he has received from the Auxiliary Registrar, and which have been granted registration on the books of that hundred or election district, and he shall also keep another separate list of all the names so received by him which have been denied registration upon said books, and those lists shall in like manner be at all times subject to the inspection of the qualified voters of that hundred or election district. And from the action of the Registration officers in so granting or refusing registration to any name received from the Auxiliary Registrar, any Registration officer or interested may appeal as provided for in Section 4 of Article V of the amended Constitution. List not registered. Appeals.

SECTION 10. All registration fees received by the Registrar Registration fee. officer of any district from the Auxiliary Registrar shall be

held by him and delivered with other fees for the benefit of his county, whether the name of the party having paid the fee shall have been registered or not.

Compensation of
Auxiliary Reg-
istrar.

How paid.

SECTION 11. The Auxiliary Registration officer provided for by this Act shall receive such compensation per day as is allowed to Registrars sitting in the various districts of this State, and he shall be allowed and paid by the State Treasurer such an amount for travelling expenses as shall be approved by the State Auditor upon vouchers presented him.

Approved June 25, A. D. 1898.

CHAPTER 38, VOLUME 21.

AN ACT in regard to General Election.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. The general election in and for the several counties of this State, on the Tuesday next after the first Monday of November, shall be held in the respective election districts of the Representative districts of said counties, at the places hereinafter appointed for that purpose, that is to say :

General election,
where held.

FOR THE CITY OF WILMINGTON.

The Department of Elections for the City of Wilmington, established by virtue of an Act of the General Assembly, entitled "An Act creating a Department of Elections for the City of Wilmington, approved May 20th, A. D. 1898, shall at the time of dividing the said city into election districts and establishing the boundaries thereof, designate some suitable and proper place in each election district for holding the elections therein, and all persons entitled to vote in the said several respective election districts thus established, shall vote at the place designated and appointed by the said Department of Elections, for holding elections in the said several respective election districts.

Department of
elections to des-
ignate voting
places in
Wilmington.

Who to vote.

FOR NEW CASTLE COUNTY OUTSIDE OF THE CITY OF
WILMINGTON.

6th Rep. Dist.

The First Election District of the Sixth Representative District shall embrace all that portion of Brandywine Hundred heretofore known as the Eastern Election District of Brandywine Hundred, and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Brandywine Hundred.

First Election
District.

Who to vote in.
Place of voting.

The Second Election District of the Sixth Representative District shall embrace all that portion of Brandywine Hundred heretofore known as the Northern Election District of Brandywine Hundred, and all persons entitled to vote in said Second Election District

2d Election
District.

Who to vote in.

Place of voting. shall vote at the place heretofore designated by law for holding elections in said Northern Election District of Brandywine Hundred.

3d Election District. The Third Election District of the Sixth Representative District shall embrace all that portion of Brandywine Hundred heretofore known as the Southern Election District of Brandywine

Who to vote in. Hundred, and all persons entitled to vote in said Third Election

Place of voting. District, shall vote at the place heretofore designated by law for holding elections in said Southern Election District of Brandywine Hundred.

7th Rep. Dist. 1st Election District. The First Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred heretofore known as the Newport Southern Election District of

Who to vote in. Christiana Hundred, and all persons entitled to vote in said First

Place of voting. Election District, shall vote at the place heretofore designated by law for holding elections in said Newport Southern Election District of Christiana Hundred.

2d Election Dist. The Second Election District of the Seventh Representative District shall embrace all that portion of Christian Hundred heretofore known as the Marshallton Southern Election District of

Who to vote in. Christiana Hundred, and all persons entitled to vote in said Second

Place of voting. Election District shall vote at the place heretofore designated by law for holding elections in said Marshallton Southern Election District of Christiana Hundred.

3d Election Dist. The Third Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred heretofore known as the Northern Election District of

Who to vote in. Christiana Hundred, and all persons entitled to vote in said Third Election

Place of voting. District, shall vote at the place heretofore designated by law for holding elections in said Northern Election District of the Christiana Hundred.

4th Election Dist. The Fourth Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred as is now provided by law as the Western Election District of

Who to vote in. Christiana Hundred, and all persons entitled to vote in said Fourth Election

Place of voting. District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Christiana Hundred.

5th Election Dist. The Fifth Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred lying

Boundaries. within the following boundaries; that commencing in the middle of the public road at the Barley Mill, formerly operated by Pyle & McIntyre, running along the middle of the said road in a westerly direction past the St. Joseph's Catholic Church and across the Kennett Turn Pike; thence continuing along the said road by its

various courses to the eastern bank of Red Clay Creek; thence along the said creek in a southerly direction by its several courses to the middle of the Lancaster Turnpike; thence along the middle of the said Turnpike in an easterly direction to the western boundary line of the City of Wilmington; thence following the said boundary line by its several courses in a northern direction to the south bank of the Brandywine; thence along the said Brandywine by its several courses in a westerly direction to the place of beginning, the Barley Mill. Being the East Election District of Christiana Hundred as formed by an Act of the General Assembly passed at Dover, March nineteenth, 1897, and all persons entitled to vote in said Fifth Election District shall vote at the public house of Thomas J. Lawless known as Mt. Pleasant Hotel in said East Election District of the Seventh Representative District.

The First Election District of the Eighth Representative District shall embrace all that portion of Mill Creek Hundred heretofore known as the Mill Creek Eastern Election District, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Mill Creek Eastern Election District.

The Second Election District of the Eighth Representative District shall embrace all that portion of Mill Creek Hundred, heretofore known as Mill Creek Northern Election District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Mill Creek Northern Election District.

The Third Election District of the Eighth Representative District shall embrace all that portion of Mill Creek Hundred, heretofore known as the Mill Creek Western Election District, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said Mill Creek Western Election District.

The First Election District of the Ninth Representative District shall embrace all that portion of White Clay Creek Hundred heretofore known as the White Clay Creek West Election District, and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said White Clay Creek West Election District.

The Second Election District of the Ninth Representative District shall embrace all that portion of White Clay Creek Hundred heretofore known as the White Clay Creek Central Election District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said White Clay Creek Central Election District.

3d Election Dist. The Third Election District of the Ninth Representative District shall embrace all that portion of White Clay Creek Hundred heretofore known as the White Clay Creek East Election District, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said White Clay Creek East Election District.

10th Rep. Dist.
1st Election Dist. The First Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Eastern Election District of New Castle Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of New Castle Hundred.

2d Election Dist. The Second Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Northern Election District of New Castle Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Northern Election District of New Castle Hundred.

3d Election Dist. The Third Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Western Election District of New Castle Hundred and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of New Castle Hundred.

4th Election Dist. The Fourth Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Southern Election District of New Castle Hundred, and all persons entitled to vote in said Fourth Election District shall vote at the place heretofore designated by law for holding elections in said Southern Election District of New Castle Hundred.

11th Rep. Dist.
1st Election Dist. The First Election District of the Eleventh Representative district shall embrace all that portion of Pencader Hundred heretofore known as North Pencader Election District of Pencader Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said North Pencader Election District of Pencader Hundred.

2d Election Dist. The Second Election District of the Eleventh Representative District shall embrace all that portion of Pencader Hundred heretofore known as the South Pencader Election District of Pencader

Hundred, and all persons entitled to vote in said Second Election Who to vote in.
 District shall vote at the place heretofore designated by law for Place of voting.
 holding elections in said South Pencader Election District of Pen-
 cader Hundred.

The First Election District of the Twelfth Representative 12th Rep. Dist.
 District shall embrace all that portion of Red Lion Hundred here- 1st Election Dist.
 tofore known as the Red Lion Eastern Election District, and all
 persons entitled to vote in said First Election District shall vote at Who to vote in.
 the place heretofore designated by law for holding elections in said Place of voting.
 Red Lion Eastern Election District.

The Second Election District of the Twelfth Representative 2d Election Dist.
 District shall embrace all that portion of Red Lion Hundred here-
 tofore known as the Red Lion Western Election District, and all
 persons entitled to vote in said Second Election District shall vote Who to vote in.
 at the place heretofore designated by law for holding elections in Place of voting.
 said Red Lion Western Election District.

The First Election District of the Thirteenth Representative 13th Rep. Dist.
 District shall embrace all that portion of St. George's Hundred, 1st Election Dist.
 heretofore known as the East St. George's First Election Precinct,
 and all persons entitled to vote in First Election District shall vote Who to vote in.
 at the place heretofore designated by law for holding elections in Place of voting.
 said East St. George's First Election Precinct.

The Second Election District of the Thirteenth Representa- 2d Election Dist.
 tive District shall embrace all that portion of St. George's Hun-
 dred heretofore known as the East St. George's Second Election
 Precinct, and all persons entitled to vote in Second Election Dis- Who to vote in.
 trict shall vote at the place heretofore designated by law for hold- Place of voting.
 ing elections in said East St. George's Second Election Precinct.

The Third Election District of the Thirteenth Representative 3d Election Dist.
 District shall embrace all that portion of St. George's Hundred
 heretofore known as the West St. George's First Election Precinct,
 and all persons entitled to vote in said Third Election District, shall Who to vote in.
 vote at the place heretofore designated by law for holding elections Place of voting.
 in said West St. George's First Election Precinct.

The Fourth Election District of the Thirteenth Representative 4th Election Dist.
 District shall embrace all that portion of St. George's Hundred
 heretofore known as the West St. George's Second Election Precinct,
 and all persons entitled to vote in said Fourth Election District Who to vote in.
 shall vote at the place heretofore designated by law for holding Place of voting.
 elections in said West St. George's Second Election Precinct.

The First Election District of the Fourteenth Representative 14th Rep. Dist.
 District shall embrace all that portion of Appoquinimink Hundred, 1st Election Dist.
 heretofore known as the Eastern Election District of Appoquini-
 mink Hundred, and all persons entitled to vote in said First Elec- Who to vote in.

- Place of voting tion District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Appoquinimink Hundred.
- 2d Election Dist. The Second Election District of the Fourteenth Representative District shall embrace all that portion of Appoquinimink Hundred heretofore known as the Western Election District of Appoquinimink Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Appoquinimink Hundred.
- Who to vote in.
- Place of voting
- 15th Rep. Dist. The First Election District of the Fifteenth Representative District shall embrace all that portion of Blackbird Hundred heretofore known as the Eastern Election District of Blackbird Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Blackbird Hundred.
- 1st Election Dist.
- Who to vote in.
- Place of voting.
- 2d Election Dist. The Second Election District of the Fifteenth Representative District shall embrace all that portion of Blackbird Hundred heretofore known as the Western Election District of Blackbird Hundred, and all person entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Blackbird Hundred.
- Who to vote in.
- Place of voting.

FOR KENT COUNTY.

- 1st Rep. Dist. The First Election District of the First Representative District shall embrace all that portion of Duck Creek Hundred heretofore known as the Eastern Election District of Duck Creek Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Duck Creek Hundred.
- 1st Election Dist.
- Who to vote in.
- Place of voting.
- 2d Election Dist. The Second Election District of the First Representative District shall embrace all that portion of Duck Creek Hundred heretofore known as the Western Election District of Duck Creek Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Duck Creek Hundred.
- Who to vote in.
- Place of voting.
- 2d Rep. Dist. The First Election District of the Second Representative District shall embrace all of Little Creek Hundred, and all persons entitled to vote in said First Election District shall vote at the
- 1st Election Dist.
- Who to vote in.

place heretofore designated by law for holding elections in said Place of voting.
Little Creek Hundred.

The Second Election District of the Second Representative 2d Election Dist.
District, shall embrace all that portion of East Dover Hundred
heretofore known as Election District Number One, of East Dover
Hundred, and all persons entitled to vote in said Second Election Who to vote in.
District, shall vote at the place heretofore designated by law for Place of voting.
holding elections in said election district Number One of East
Dover Hundred.

The Election District of the Third Representative District, 3d Rep. Dist.
shall embrace all of Kenton Hundred, and all persons entitled to Election District
vote in said Election District shall vote at the place heretofore Who to vote in.
designated by law for holding elections in said Kenton Hundred. Place of voting.

The Election District of the Fourth Representative District, 4th Rep. Dist.
shall embrace all of West Dover Hundred and all that portion of Election District
East Dover Hundred lying next to West Dover Hundred and
separated from the rest of East Dover Hundred by the following
boundary lines. Beginning at the middle of the public road lead- Boundaries.
ing from the Horsehead road to Kenton at the point of intersection
of Kenton Hundred and East Dover Hundred, thence running
along the middle of the said road to the Horsehead road, thence
running in a westerly direction along the middle of the said Horse-
head road a short distance to a short road leading from the said
Horsehead road to the road from Dover to Hazlettsville, known as
the Hazlettsville road, thence running along the middle of the said
short road from the Horsehead road to the said Hazlettsville road,
thence running in a westerly direction along the middle of the said
Hazlettsville road a short distance to the road leading therefrom
to Wyoming, thence running along the middle of the said road
leading from the said Hazlettsville road to Wyoming to the point
of intersection of East Dover Hundred and North Murderkill
Hundred, and all persons entitled to vote in said Election District Who to vote in.
shall vote at the place heretofore designated by law for holding Place of voting.
elections in West Dover Hundred.

The First Election District of the Fifth Representative Dis- 5th Rep. Dist.
trict shall embrace all that portion of Election District Number 1st Election Dist.
Two of East Dover Hundred which is not included in Represen-
tative District Number Four, and all persons entitled to vote in Who to vote in.
said First Election District shall vote at the place heretofore desig- Place of voting.
nated by law for holding elections in said Election District Number
Two in East Dover Hundred.

The Second Election District of the Fifth Representative Dis- 2d Election Dist.
trict, shall embrace all that portion of the Third Election District
of East Dover Hundred which is not included in Representative

Who to vote in. District Number Four, and all persons entitled to vote in said
Place of voting. Second Election District shall vote at the place heretofore designated by law for holding elections in said Third Election District of East Dover Hundred.

6th Rep. Dist.
1st Election Dist.
Boundaries. The First Election District of the Sixth Representative District shall embrace all those portions of North Murderkill and South Murderkill Hundred included within the following boundary lines: Beginning at a point on the Maryland line where the line dividing West Dover Hundred and North Murderkill Hundred intersects the same and running thence with said Maryland line south to the point where the northern boundary line of the Second Election District of the Sixth Representative District intersects the said Maryland line, thence easterly with said northern boundary line of said Second Election District to the road from Felton to Whiteleysburg, thence along said road to the Owl's Nest Road, thence running in a northerly direction along the middle of the said Owl's Nest Road to the intersection of the Cowgill Road from Woodside to Petersburg, thence running in a northeasterly direction along the middle of the said Cowgill Road to the Reed Road running from Woodside to DuPont's School House, thence running in a northwesterly direction along the middle of the said Reed Road to DuPont's School House, thence running in a northerly direction along the middle of the public road leading from Willow Grove to Camden, a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along the middle of the public road leading from DuPont's School House to the Alms House to Gray's Corner, thence continuing in a direct westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the place of beginning, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in the West Election District of North Murderkill Hundred.

Who to vote in.
Place of voting. The Second Election District of the Sixth Representative District, shall embrace all the portions of North Murderkill, South Murderkill and Mispillion Hundreds included within the following boundary lines; beginning at the intersection of the southern line of South Murderkill Hundred with the State of Maryland, thence running along the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near

White's Church, thence running in a northeasterly direction along the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along the middle of said Dorman street to Brown's Branch being the northwest corner of lands of Joseph Ward, thence running in a easterly direction with the course of said branch to the Delaware Railroad, thence running in a northerly direction along said Delaware Railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northwesterly direction to the public road leading from Felton to Whiteleysburg, thence westerly with the said last mentioned road to what is known as the "Big Ash," thence in a northerly direction with the public road leading by Willis' Chapel, thence by the public school house near Mrs. Charles Warren and on by Cohee's Shops and Sandtown, leaving the village to the north, thence by the county road leading from Sandtown to Greensboro to the Maryland line, thence by the said Maryland line south to the place of beginning, and all persons entitled to vote in said Second Election District shall vote at Masten's Corner at such place as shall be procured by the inspector or other officer holding the election in said Second Election District of the Sixth Representative District.

The Election District of the Seventh Representative District shall embrace all that portion of North Murderkill Hundred not included in Representative District Number Six, and all persons entitled to vote in said election district shall vote at the place heretofore designated by law for holding elections in the Eastern Election District of North Murderkill Hundred.

The First Election District of the Eighth Representative District shall embrace all that portion of South Murderkill Hundred which is not included in the Sixth Representative District, and which lies west of the following lines: Beginning at a point at or near Locust Grove school-house on the line dividing North and South Murderkill Hundreds, and running thence southerly by the public road leading to and by Virdin's Mill, and thence southerly by the same public road to Boswell's Mill, thence southerly to the

Felton and Frederica road, thence southwesterly with line of said Frederica and Felton road to Roe's Corner, on the road from Canterbury to Roe's Village, thence easterly by a public road to a public road leading to Spring Mills, and thence by the said last mentioned road to said Spring Mills, thence southerly to the line dividing Milford from South Murderkill Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated for holding elections in Election District Number one of South Murderkill Hundred.

Who to vote in.
Place of voting.

8th Rep. Dist.
2d Election Dist.

Who to vote in.
Place of voting.

The Second Election District of the Eighth Representative District, shall embrace all that portion of South Murderkill Hundred lying east of the First Election District of the said Representative District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated for holding elections in Election District Number Two of South Murderkill Hundred.

9th Rep. District
1st Election Dist.

Who to vote in.
Place of voting.

The First Election District of the Ninth Representative District, shall embrace all that portion of Election District Number One of Mispillion Hundred not included in Representative District Number Six, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in Election District Number One of Mispillion Hundred.

2d Election Dist.

Who to vote in.
Place of voting.

The Second Election District of the Ninth Representative District, shall embrace all that portion of Mispillion Hundred lying south of the First Election District of said Ninth Representative District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in Election District Number Two of Mispillion Hundred.

10th Rep. Dist.
1st Election Dist.

Who to vote in.
Place of voting.

The First Election District of the Tenth Representative District, shall embrace all that portion of Milford Hundred included in the Eastern Election District of Milford Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Milford Hundred.

2d Election Dist.

Who to vote in.
Place of voting.

The Second Election District of the Tenth Representative District, shall embrace all that portion of Milford Hundred included in the Western Election District of Milford Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Milford Hundred.

FOR SUSSEX COUNTY.

The First Election District of the First Representative District shall embrace all that portion of Cedar Creek Hundred heretofore known as the South Milford Election District of Cedar Creek Hundred and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said South Milford Election District of Cedar Creek Hundred.

1st Rep. District
1st Election Dist.

Who to vote in.
Place of voting.

The Second Election District of the First Representative District shall embrace all that portion of Cedar Creek Hundred heretofore known as the Lincoln Election District of Cedar Creek Hundred and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Lincoln Election District of Cedar Creek Hundred.

2d Election Dist.

Who to vote in.
Place of voting.

The First Election District of the Second Representative District shall embrace all that portion of Nanticoke Hundred which lies north and west of Gravelly Branch, beginning at a point where the said Gravelly Branch, intersects the dividing line between Georgetown and Nanticoke Hundreds and running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along said branch to what was formerly known as Collins' "Mills," to its mouth, being at the head of Middleford Mill Pond, and all persons entitled to vote in said First Election District shall vote at Owen's Station, at such place as shall be procured by the Inspector or other officer holding the election in said First Election District of the Second Representative District.

2d Rep. District
1st Election Dist.

Boundaries.

Who to vote in.
Place of voting.

The Second Election District of the Second Representative District shall embrace all of North West Fork Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said North West Fork Hundred.

2d Election Dist.

Who to vote in.
Place of voting.

The First Election District of the Third Representative District shall embrace all that portion of Nanticoke Hundred, which lies south and east of said Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Nanticoke and Georgetown Hundreds, running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along the said branch to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond, and all persons entitled to vote in said First Election District shall vote at the place known as "Old Furnace," at such place as shall be procured by the Inspector or other officer holding the election in said First Election District of the Third Representative District.

3d Rep. District
1st Election Dist.

Boundaries.

Who to vote in.
Place of voting.

2d Election Dist. The Second Election District of the Third Representative District shall embrace all of Seaford Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Seaford Hundred.

4th Rep. District Election District The Election District of the Fourth Representative District shall embrace all of Broad Creek Hundred, and all persons entitled to vote in said Election District shall vote at the place now designated by law for holding elections in said Broad Creek Hundred.

4th Rep. District 1st Election Dist. The First Election District of the Fifth Representative District shall embrace all that portion of Little Creek Hundred, heretofore known as the West Election District of Little Creek Hundred and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said West Election District of Little Creek Hundred.

2d Election Dist. The Second Election District of the Fifth Representative District shall embrace all that portion of Little Creek Hundred heretofore known as the East Election District of Little Creek Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said East Election District of Little Creek Hundred.

6th Rep. District 1st Election Dist. The First Election District of the Sixth Representative District shall embrace all that portion of Dagsboro Hundred lying north of the public road beginning at Millsboro Mills, and running with said public road or main street of Millsboro in a westerly direction through the town of Millsboro, thence by and with the said public road to Phillips' Hill, and thence with the said public road by way of Carey's Methodist Episcopal Church to the line of Gumboro Hundred, and all persons entitled to vote in said First Election District shall vote at the place called "Poll Dam," at such place as shall be procured by the Inspector or other officer holding the election in said First Election District of the Sixth Representative District.

2d Election Dist. The Second Election District of the Sixth Representative District shall embrace all that portion of Dagsboro Hundred lying south of the public road beginning at Millsboro Mills, and running with the said public road or main street of Millsboro in a westerly direction through the town of Millsboro, thence by and with the said public road to Phillips' Hill, and thence with the said public road by way of Carey's Methodist Episcopal Church to the line of Gumboro Hundred, and all persons entitled to vote in said Second Election District shall vote at the town of Dagsboro.

at such place as shall be procured by the Inspector or other officer holding the election in said Second Election District of the Sixth Representative District.

The Third Election District of the Sixth Representative District shall embrace all of Gumboro Hundred, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said Gumboro Hundred. 3d Election Dist.

The First Election District of the Seventh Representative District shall embrace all that portion of Baltimore Hundred lying north of the public road beginning at the Baltimore mill dam and running down the public road by Peter R. Hickman, by way of the Trap school-house to H. H. Hickman's store, thence down said county road to a county road opposite the farm of George L. Barnett, thence running along said road to a bridge across William's Creek, known as Derrickson's old mill, being the North Election District of Baltimore Hundred as formed by the Act of the General Assembly, passed April 22d, 1897, and all persons entitled to vote in said First Election District shall vote at the school house of school district No. 181, in the town of Millville, in said First Election District of the Seventh Representative District. 7th Rep. District
1st Election Dist.
Boundaries.
Who to vote in.
Place of voting.

The Second Election District of the Seventh Representative District shall embrace all that portion of Baltimore Hundred lying south of the public road beginning at the Baltimore Mill Dam and running down the public road by Peter R. Hickman, by way of the Trap School House to H. H. Hickman's Store, thence down said county road to a county road opposite the farm of George L. Arnett, thence running along said road to a bridge across William's Creek, known as Derrickson's Old Mill, being the South Election District of Baltimore Hundred, as formed by the Act of the General Assembly passed April 22, 1897, and all persons entitled to vote in said Second Election District, shall vote at Selbyville at such place as shall be procured by the Inspector or other officer holding the election in said Second Election District of the Seventh Representative District. 2d Election Dist.
Boundaries.
Who to vote in.
Place of voting.

The Election District of the Eighth Representative District shall embrace all of Indian River Hundred and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Indian River Hundred. 8th Rep. District
Election District
Who to vote in.
Place of voting.

The Election District of the Ninth Representative District shall embrace all of Georgetown Hundred, and all persons entitled to vote in said Election District shall vote at the place heretofore 9th Rep. District
Election District
Who to vote in.
Place of voting.

designated by law for holding elections in said Georgetown Hundred.

10th Rep. Dist.
1st Election Dist.

Who to vote in.
Place of voting.

The First Election District of the Tenth Representative District shall embrace all of Broadkin Hundred, and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Broadkiln Hundred.

10th Rep. Dist.
2d Election Dist.

Who to vote in.
Place of voting.

The Second Election District of the Tenth Representative District shall embrace all of Lewes and Rehoboth Hundred and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Lewes and Rehoboth Hundred.

Change of voting
place.

Notice.

SECTION 2. If at any time it shall be impracticable to hold the election in any election district at the place appointed by law, the Inspector of such election district or other officer authorized by law to hold the election therein shall have power to appoint some other place in said election district as near as can be conveniently obtained to the place herein directed, and he shall give public notice of the place so appointed by advertisements posted in at least five of the most public places of the election district, if circumstances will admit of such notice being given, but if not then he shall give such public and general notice as the circumstances will permit.

Sheriff to deliver
ballot boxes, list
of officers, tally
lists, etc.

Oaths.

SECTION 3. The Sheriff of each county shall, after the 23rd and before the 27th day of October, in the year of holding the general election, deliver to the Inspector of each election district or other officer authorized by law to hold the election therein, two suitable ballot boxes, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next general election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the inspector or other person authorized by law to hold the election therein, and the persons to be taken as Judges of the Election and also of the Clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmation with printed or written directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same and shall also deliver to each Inspector or other officer authorized by law to hold the election as aforesaid, a book of blank forms of oaths (or affirmations) provided for in Section 19 of this Act.

SECTION 4. The ballot boxes shall each be of sufficient size Ballot boxes, size, etc. to contain all the ballots of the election district, with one of the tally lists and certificates of election; in the lid of one of the boxes there shall be a hole sufficient only to admit with convenience one ballot, and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole, and it shall be so constructed as to be secured with tape or sealing wax.

SECTION 5. There shall be two of the said tally lists each of Tally lists. which shall consist of a margin on the left for the names of the persons voted for, and squares formed by parallel lines, drawn from left to right, and from the bottom to the top of the sheet, each square to be sufficient to contain five distinct rows of five distinct dots of a pen in each row, and there shall be a sufficient number of squares in each row of squares from left to right to contain more dots than any other person will probably receive votes in the election district.

SECTION 6. There shall be two of the said certificates of election Certificates of election. Form of. which may be according to the following form, viz.,

..... County and Election District of..... Representative District, ss.,
At the general election held in the said election district, on the Tuesday next after the first Monday in November, A. D., eighteen hundred and.....the votes stand as follows :

FOR THE OFFICE OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

..... Received votes
..... Received votes

FOR THE OFFICE OF GOVERNOR.

..... Received votes
..... Received votes

FOR THE OFFICE OF LIEUTENANT-GOVERNOR.

..... Received votes
..... Received votes

FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS.

..... Received votes
..... Received votes

FOR THE OFFICE OF ATTORNEY GENERAL.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF INSURANCE COMMISSIONER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF STATE TREASURER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF AUDITOR OF ACCOUNTS.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY IN
LIEU OF.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF PROTHONOTARY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF CLERK OF THE PEACE.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF REGISTER OF WILLS.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF RECORDER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF REGISTER IN CHANCERY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF CLERK OF THE ORPHANS' COURT.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF LEVY COURT COMMISSIONERS.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF COUNTY TREASURER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF RECEIVER OF TAXES AND COUNTY TREASURER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF COUNTY COMPTROLLER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF SHERIFF.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF CORONER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF ASSESSOR.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF INSPECTOR.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF ROAD COMMISSIONER.

..... Receivedvotes
 Receivedvotes

And we further certify that the Clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In Testimony Whereof, we the Judges of said Election for said election district have hereunto set our hands the day and year aforesaid.

Filling blanks in
certificates.

In the said written or printed forms of certificates before the same shall be delivered by the Sheriff as above directed, the name of the County and Election District and of Representative District and the date of the year shall be inserted in the blanks for said purposes in the foregoing form; and the offices to be filled at the election shall be inserted with blanks under each to contain the names of the persons who may be voted for, with the number of votes; and the offices not to be filled at the election, shall be omitted.

Oath of officers.

SECTION 7. The form of the oath or affirmation to be administered to the inspector or other officer authorized by law to hold the election and Judges shall be as follows, viz.,

Form.

I, do solemnly swear (or affirm) that in the election to be this day held, I will not knowingly or wilfully, receive, or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such persons to be entitled to vote, that I will not receive or reject nor concur in receiving or rejecting any vote through partiality or undue bias and that I will determine every matter that shall come before me, and perform every act and duty by law required of me touching the said election, truly, faithfully and impartially according to the best of my skill and judgment and ability; that I will cause the ballots, that shall be taken at this election to be fairly read and ascertained and a true statement thereof to be made according to the best of my knowledge and ability and that if I shall discover any partiality, unfairness or corruption in the conducting of the said election, I will disclose the same to the Attorney General to the end that the subject may be investigated so help me God (or so I solemnly affirm). There shall be three distinct forms of the foregoing oaths or affirmation written or printed on one sheet; which forms shall be numbered and distinguished as No. 1, No. 2 and No. 3. On the same sheet after the last of said forms shall be written or printed a form for the certificate of the qualification of the Inspector or other officer authorized by law to hold the election and Judges as follows; to wit:

Three forms of
oaths.

Certificate of
qualification
of officers.

Form.

..... County and Election
District Representative District, ss. We,
the subscribers, Inspector (or other officers authorized by law to

hold the election) and judges for said election district of the general election, therein held on the Tuesday next after the first Monday of November in the year of our Lord one thousand eight hundred and certify that on said day, before opening the said election in said election district, the foregoing oath or affirmation was duly administered to each of us, according to law."

The blanks in which said certificate shall be filled by the Filling in blanks. Sheriff or by his order, before delivering the same to the Inspector or other officer authorized by law to hold the election.

SECTION 8. The inspector or other officer authorized by law Inspector to give notice of time and place of election. to hold the election of each election district shall within two days after receiving from the Sheriff a list of officers to be chosen at the general election, give public notice of the time and place of holding the then next general election in his election district and of the officers to be voted for at such election, by advertisements posted in Advertisements. at least five of the most public places in his election district.

SECTION 9. It at the time for holding the general election In case of absence of Inspector who to hold election. there shall be no Inspector or other officer authorized by law to hold the election of any election district, or if he shall be absent from the place of election at half-past eight o'clock of the forenoon of the day of the election the Registrar of the said election district who shall be present with his Register and Book of Registered Voters for said district or in the event of the Registrars absence the Alternate Registrar of said election district who may be present with a Register and a Book of Registered Voters of said election district shall serve as the Inspector for said Election District and perform all the duties required of him as such inspector.

SECTION 10. The Inspector or other officer authorized by Inspectors to be judges and presiding officer law to hold the election in any election district shall be a Judge of the general election held therein and the presiding officer. There shall also be two other judges of the said election one of whom shall be Judges. chosen by the County Committee of the Democratic party and the How chosen. other by the County Committee of the Republican party. In making said appointments, the respective County Committees shall name and certify two persons respectively one of whom they shall designate as Judge and the other as Alternate Judge and said certification shall be presented to the inspector or other officer authorized by law to hold the election in the respective election districts on the morning of the general election and one hour before the opening of the polls. Should either or both of those designated to be the When Alternate Judge to act. judge be absent, the person named for Alternate Judge shall be

In case of absence of Judges who to act.

Judge; if from any cause both the persons named by either or both political parties should be absent a majority of the voters then present may elect such Judge or Judges in such a manner as at the time may be deemed most expedient for ascertaining the sense of the majority; the person or persons so chosen shall be of the same political party as those persons in whose place they are respectively chosen.

Political Complexion.

Refusal to serve.

Penalty.

SECTION 11. If any person chosen to be a Judge of an election in any election district, shall refuse to serve he shall forfeit and pay to the State a fine of fifty dollars upon conviction thereof by indictment in the Court of General Session in the county where such offence is committed.

Oath of Judge.

Signing oaths.

Affirmation.

Signing of oath by Inspector.

SECTION 12. Before opening the election the inspector or other officer authorized by law to hold the election, and judges, shall each take an oath or affirmation according to the form prescribed in Section 7. Such oath to be administered to the Judges by the Inspector or other officer authorized by law to hold the election and by one of them to him and they shall each after taking such oath or affirmation sign one of the written or printed forms thereof delivered to the Inspector or other officer authorized by law to hold the election, by the Sheriff of the county as provided in Section 7, that is to say: The form distinguished as No. 1 shall be signed by the Inspector or other officer authorized by law to hold the election, his name being first inserted in the blank; the form No. 2 shall be signed by one of the Judges, his name being first inserted in the blank, and the form No. 3 shall be signed by the other Judge, his name being first inserted in the blank, before signing the said forms, it shall be ascertained whether the Inspector or other officer authorized by law to hold the election, or either of the Judges conscientiously refuse to take an oath, and in case of such conscientious refusal the form for the person so refusing shall be made correct by effacing the words "swear or" in the beginning, and "so help me God" in the end of the form, but as to the person who shall not conscientiously refuse to take an oath, the form shall be made correct by effacing the words "or affirm" in the beginning, and the words "or so I solemnly affirm" at the end of the form. The Inspector or other officer authorized by law to hold the election and Judges shall also sign the certificate of their qualification as written or printed upon the sheet containing the aforesaid forms.

Choosing clerks.

SECTION 13. Each of the said Judges after being duly qualified shall choose one clerk of the election, to whom the Inspector

or other officer authorized by law to hold the election, or one of the Oath.
Judges shall administer an oath or affirmation as follows:

You do solemnly swear (or affirm) that as clerk of this elec- Form of oath.
tion you will not use or assent to any falsehood, fraud or deceit, and
that you will keep the polls and perform your duties truly, faith-
fully and impartially, so help you God (or so you solemnly affirm.)
If in reading the votes and keeping the tally lists, it shall become
necessary to appoint one or more additional clerks the Inspector or Additional
other officer authorized by law to hold the election, and Judges clerks
may do so, administering to each clerk so appointed the foregoing
oath or affirmation, no other certificate need be made of the oath or Oath.
affirmation administered to the clerks than that contained in the
form of the certificate of election prescribed in the sixth section.

SECTION 14. Before opening the election the Inspector or Examination of
other officer authorized by law to hold the election and Judges ballot boxes.
shall also examine the ballot box provided with a lock and key, Locking key, to
and see that the same contains nothing. The box shall then be whom delivered,
locked and the key delivered to one of the Judges, who shall keep by whom kept.
the same, and the box shall be kept by the Inspector or other offi-
cer authorized by law to hold the election or the other Judge, so
that the person having the key shall not have possession of the box
till the same shall be opened as hereinafter directed.

SECTION 15. The Inspector or other officer authorized by law Election offi-
to hold the election, and Judges of the election and the Clerk shall cers to be in
during the time of the election being open be and continue in a same room alone.
room or place by themselves, separate from the other electors, and
no persons other than such Inspector or other officer authorized by
law to hold the election, Judges and Clerk during the time of the
election being opened shall be admitted within such room or place Others not
without the unanimous consent of the Inspector or other officer admitted.
authorized by law to hold the election and the Judges, and if any
person shall enter such room or place without such consent such Others entering.
person shall be deemed guilty of a misdemeanor, and upon convic- Misdemeanor,
tion thereof shall be fined not less than five hundred nor more penalty.
than one thousand dollars, or be imprisoned for a term not less
than one nor more than two years, or both, at the discretion of the
Court.

SECTION 16. The Inspector or other officer authorized by law Who to be in
to hold the election, the Judges chosen as provided in Section 10 election room.
of this Act and the clerk chosen as provided in Section 13 of this
Act, shall be the only persons who may lawfully enter the voting

Others entering.	room or place where the election is held, except as hereinbefore provided ; and if any person or persons shall enter the voting room or place where the election is held before the hour of opening the polls on the day of election or at the time of opening the election, or at any time during the day of the election and before the hour of closing the election, or attempt to enter the same for the purpose of interfering with the election officers in the discharge of their duties as such or for any purpose, or shall attempt to molest, disturb or prevent the election officers from proceeding regularly with any general or special election, or shall take charge or attempt to take charge of any voting room or place where the election is held within the time herein mentioned for the purpose of preventing or delaying an election, or for any other purpose on election day such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, and shall be imprisoned for a term not exceeding three years, provided that a single representative of each political party, having nominated a ticket, and such party being represented on the ballot then printed for any general or special election, may at the opening of the election be present to aid in the proper qualification of the several election officers, but as soon as the election officers shall be qualified or ready to open the election, or the proper hour therefor having arrived such representatives of each political party shall immediately retire from the voting room or the place where the election is held.
Interference, molestation, disturbance or delay.	
Penalty.	
Representative of each party to be present at opening.	
To retire when.	
Hour of opening election.	SECTION 17. The general election shall be opened in every election district of the State on the Tuesday next after the first Monday in the month of November in the year in which the same is held, between the hours of eight and nine o'clock in the morning, by the Inspector, or other officer authorized by law to hold the election, making proclamation that the same is open.
By whom.	
Voting.	SECTION 18. Each qualified elector shall deliver a single ballot which shall conform to the requirements of the law of this State as to ballots for any general or special election, containing the names of persons voted for to the Inspector or other officer authorized by law to hold the election, who shall audibly pronounce the name of the elector, which shall be entered in words at length upon a list of polls to be kept by each of the clerks whom the judges shall direct to that duty, and one of the judges shall write against it, on the alphabetical list as contained in the "Book of Registered Voters" delivered by the Registrar to the Inspector or other officer authorized by law to hold the election, the word "voted." There shall be
Entry of names, etc.	

no examination of a ballot except to determine that it is single; and the Inspector or other officer authorized by law to hold the election shall, immediately after pronouncing the elector's name put the ballot into the box in his presence, unless the vote shall be objected to.

Ballots not to be examined.

Depositing ballot

SECTION 19. The Inspector or other officer authorized by law to hold the election, shall not at any election receive or deposit in the ballot box the ballot of any person offering to vote until his name shall have been found in the list of registered voters as contained in the Book of Registered Voters delivered to him for the purposes of said election, and the Judges, or a majority of them shall be satisfied that the person so offering to vote is the person named in said list; but no objection to the vote of any person whose name shall have been found on said list as contained in said Book of Registered Voters shall be entered or considered by the Judges of the elections except for the following reasons, to wit:

What ballots not to be received.

Reasons for objection to votes

First. That he is not the person whose name appears in said Book of Registered Voters.

Second. That he has become disqualified as a voter since he was registered.

If a vote be objected to for any of the reasons above mentioned its admission or rejection shall be determined according to the opinion of a majority of the judges; and

Determination of objection.

Third. That no person who shall receive or accept or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding or in any manner influencing the giving or withholding a vote at any general election in this State, shall vote at such election unless such person being challenged for any of said causes, shall take and subscribe to the following oath or affirmation which shall be administered by the inspector or other officer authorized by law to hold the election:

Bribery.

Ido solemnly swear (or affirm) that I have not received or accepted, or offered to receive or accept, paid, or transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as compensation, inducement or reward for the registering or abstain-

Oath.

designated by law for holding elections in said Georgetown Hundred.

10th Rep. Dist.
1st Election Dist.

The First Election District of the Tenth Representative District shall embrace all of Broadklin Hundred, and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Broadkiln Hundred.

Who to vote in.
Place of voting.

10th Rep. Dist.
2d Election Dist.

The Second Election District of the Tenth Representative District shall embrace all of Lewes and Rehoboth Hundred and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Lewes and Rehoboth Hundred.

Who to vote in.
Place of voting.

Change of voting
place.

SECTION 2. If at any time it shall be impracticable to hold the election in any election district at the place appointed by law, the Inspector of such election district or other officer authorized by law to hold the election therein shall have power to appoint some other place in said election district as near as can be conveniently obtained to the place herein directed, and he shall give public notice of the place so appointed by advertisements posted in at least five of the most public places of the election district, if circumstances will admit of such notice being given, but if not then he shall give such public and general notice as the circumstances will permit.

Notice.

Sheriff to deliver
ballot boxes, list
of officers, tally
lists, etc.

SECTION 3. The Sheriff of each county shall, after the 23rd and before the 27th day of October, in the year of holding the general election, deliver to the Inspector of each election district or other officer authorized by law to hold the election therein, two suitable ballot boxes, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next general election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the inspector or other person authorized by law to hold the election therein, and the persons to be taken as Judges of the Election and also of the Clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmation with printed or written directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same and shall also deliver to each Inspector or other officer authorized by law to hold the election as aforesaid, a book of blank forms of oaths (or affirmations) provided for in Section 19 of this Act.

Oaths.

SECTION 4. The ballot boxes shall each be of sufficient size ^{Ballot boxes, size, etc.} to contain all the ballots of the election district, with one of the tally lists and certificates of election; in the lid of one of the boxes there shall be a hole sufficient only to admit with convenience one ballot, and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole, and it shall be so constructed as to be secured with tape or sealing wax.

SECTION 5. There shall be two of the said tally lists each of ^{Tally lists.} which shall consist of a margin on the left for the names of the persons voted for, and squares formed by parallel lines, drawn from left to right, and from the bottom to the top of the sheet, each square to be sufficient to contain five distinct rows of five distinct dots of a pen in each row, and there shall be a sufficient number of squares in each row of squares from left to right to contain more dots than any other person will probably receive votes in the election district.

SECTION 6. There shall be two of the said certificates of elec- ^{Certificates of election. Form of.} tion which may be according to the following form, viz.,

..... County and Election District of..... Representative District, ss.,
At the general election held in the said election district, on the Tuesday next after the first Monday in November, A. D., eighteen hundred and.....the votes stand as follows :

FOR THE OFFICE OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

..... Received votes
..... Received votes

FOR THE OFFICE OF GOVERNOR.

..... Received votes
..... Received votes

FOR THE OFFICE OF LIEUTENANT-GOVERNOR.

..... Received votes
..... Received votes

FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS.

..... Received votes
..... Received votes

FOR THE OFFICE OF ATTORNEY GENERAL.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF INSURANCE COMMISSIONER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF STATE TREASURER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF AUDITOR OF ACCOUNTS.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY IN
LIEU OF.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF PROTHONOTARY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF CLERK OF THE PEACE.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF REGISTER OF WILLS.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF RECORDER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF REGISTER IN CHANCERY.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF CLERK OF THE ORPHANS' COURT.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF LEVY COURT COMMISSIONERS.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF COUNTY TREASURER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF RECEIVER OF TAXES AND COUNTY TREASURER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF COUNTY COMPTROLLER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF SHERIFF.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF CORONER.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF ASSESSOR.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF INSPECTOR.

..... Receivedvotes
 Receivedvotes

FOR THE OFFICE OF ROAD COMMISSIONER.

..... Receivedvotes
 Receivedvotes

And we further certify that the Clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In Testimony Whereof, we the Judges of said Election for said election district have hereunto set our hands the day and year aforesaid.

Filling blanks in
certificates.

In the said written or printed forms of certificates before the same shall be delivered by the Sheriff as above directed, the name of the County and Election District and of Representative District and the date of the year shall be inserted in the blanks for said purposes in the foregoing form; and the offices to be filled at the election shall be inserted with blanks under each to contain the names of the persons who may be voted for, with the number of votes; and the offices not to be filled at the election, shall be omitted.

Oath of officers.

SECTION 7. The form of the oath or affirmation to be administered to the inspector or other officer authorized by law to hold the election and Judges shall be as follows, viz.,

Form.

I, do solemnly swear (or affirm) that in the election to be this day held, I will not knowingly or wilfully, receive, or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such persons to be entitled to vote, that I will not receive or reject nor concur in receiving or rejecting any vote through partiality or undue bias and that I will determine every matter that shall come before me, and perform every act and duty by law required of me touching the said election, truly, faithfully and impartially according to the best of my skill and judgment and ability; that I will cause the ballots, that shall be taken at this election to be fairly read and ascertained and a true statement thereof to be made according to the best of my knowledge and ability and that if I shall discover any partiality, unfairness or corruption in the conducting of the said election, I will disclose the same to the Attorney General to the end that the subject may be investigated so help me God (or so I solemnly affirm). There shall be three distinct forms of the foregoing oaths or affirmation written or printed on one sheet; which forms shall be numbered and distinguished as No. 1, No. 2 and No. 3. On the same sheet after the last of said forms shall be written or printed a form for the certificate of the qualification of the Inspector or other officer authorized by law to hold the election and Judges as follows; to wit:

Three forms of
oaths.

Certificate of
qualification
of officers.

Form.

..... County and Election District Representative District, ss. We, the subscribers, Inspector (or other officers authorized by law to

hold the election) and judges for said election district of the general election, therein held on the Tuesday next after the first Monday of November in the year of our Lord one thousand eight hundred and certify that on said day, before opening the said election in said election district, the foregoing oath or affirmation was duly administered to each of us, according to law."

The blanks in which said certificate shall be filled by the Filling in blanks. Sheriff or by his order, before delivering the same to the Inspector or other officer authorized by law to hold the election.

SECTION 8. The inspector or other officer authorized by law Inspector to give notice of time and place of election. to hold the election of each election district shall within two days after receiving from the Sheriff a list of officers to be chosen at the general election, give public notice of the time and place of holding the then next general election in his election district and of the officers to be voted for at such election, by advertisements posted in Advertisements. at least five of the most public places in his election district.

SECTION 9. It at the time for holding the general election In case of absence of Inspector who to hold election. there shall be no Inspector or other officer authorized by law to hold the election of any election district, or if he shall be absent from the place of election at half-past eight o'clock of the forenoon of the day of the election the Registrar of the said election district who shall be present with his Register and Book of Registered Voters for said district or in the event of the Registrars absence the Alternate Registrar of said election district who may be present with a Register and a Book of Registered Voters of said election district shall serve as the Inspector for said Election District and perform all the duties required of him as such inspector.

SECTION 10. The Inspector or other officer authorized by Inspectors to be judges and presiding officer law to hold the election in any election district shall be a Judge of the general election held therein and the presiding officer. There shall also be two other judges of the said election one of whom shall be Judges. chosen by the County Committee of the Democratic party and the other by the County Committee of the Republican party. In making said appointments, the respective County Committees shall name and certify two persons respectively one of whom they shall designate as Judge and the other as Alternate Judge and said certification shall be presented to the inspector or other officer authorized by law to hold the election in the respective election districts on the morning of the general election and one hour before the opening of the polls. Should either or both of those designated to be the judge be absent, the person named for Alternate Judge shall be When Alternate Judge to act.

In case of absence of Judges who to act.

Judge; if from any cause both the persons named by either or both political parties should be absent a majority of the voters then present may elect such Judge or Judges in such a manner as at the time may be deemed most expedient for ascertaining the sense of the majority; the person or persons so chosen shall be of the same political party as those persons in whose place they are respectively chosen.

Political Commission.

Refusal to serve.

Penalty.

SECTION 11. If any person chosen to be a Judge of an election in any election district, shall refuse to serve he shall forfeit and pay to the State a fine of fifty dollars upon conviction thereof by indictment in the Court of General Session in the county where such offence is committed.

Oath of Judge.

Signing oaths.

Affirmation.

Signing of oath by Inspector.

Choosing clerks.

SECTION 12. Before opening the election the inspector or other officer authorized by law to hold the election, and judges, shall each take an oath or affirmation according to the form prescribed in Section 7. Such oath to be administered to the Judges by the Inspector or other officer authorized by law to hold the election and by one of them to him and they shall each after taking such oath or affirmation sign one of the written or printed forms thereof delivered to the Inspector or other officer authorized by law to hold the election, by the Sheriff of the county as provided in Section 7, that is to say: The form distinguished as No, 1 shall be signed by the Inspector or other officer authorized by law to hold the election, his name being first inserted in the blank; the form No. 2 shall be signed by one of the Judges, his name being first inserted in the blank, and the form No. 3 shall be signed by the other Judge, his name being first inserted in the blank, before signing the said forms, it shall be ascertained whether the Inspector or other officer authorized by law to hold the election, or either of the Judges conscientiously refuse to take an oath, and in case of such conscientious refusal the form for the person so refusing shall be made correct by effacing the words "swear or" in the beginning, and "so help me God" in the end of the form, but as to the person who shall not conscientiously refuse to take an oath, the form shall be made correct by effacing the words "or affirm" in the beginning, and the words "or so I solemnly affirm" at the end of the form. The Inspector or other officer authorized by law to hold the election and Judges shall also sign the certificate of their qualification as written or printed upon the sheet containing the aforesaid forms.

SECTION 13. Each of the said Judges after being duly qualified shall choose one clerk of the election, to whom the Inspector

or other officer authorized by law to hold the election, or one of the Judges shall administer an oath or affirmation as follows:

You do solemnly swear (or affirm) that as clerk of this election you will not use or assent to any falsehood, fraud or deceit, and that you will keep the polls and perform your duties truly, faithfully and impartially, so help you God (or so you solemnly affirm.) If in reading the votes and keeping the tally lists, it shall become necessary to appoint one or more additional clerks the Inspector or other officer authorized by law to hold the election, and Judges may do so, administering to each clerk so appointed the foregoing oath or affirmation, no other certificate need be made of the oath or affirmation administered to the clerks than that contained in the form of the certificate of election prescribed in the sixth section.

SECTION 14. Before opening the election the Inspector or other officer authorized by law to hold the election and Judges shall also examine the ballot box provided with a lock and key, and see that the same contains nothing. The box shall then be locked and the key delivered to one of the Judges, who shall keep the same, and the box shall be kept by the Inspector or other officer authorized by law to hold the election or the other Judge, so that the person having the key shall not have possession of the box till the same shall be opened as hereinafter directed.

SECTION 15. The Inspector or other officer authorized by law to hold the election, and Judges of the election and the Clerk shall during the time of the election being open be and continue in a room or place by themselves, separate from the other electors, and no persons other than such Inspector or other officer authorized by law to hold the election, Judges and Clerk during the time of the election being opened shall be admitted within such room or place without the unanimous consent of the Inspector or other officer authorized by law to hold the election and the Judges, and if any person shall enter such room or place without such consent such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, or be imprisoned for a term not less than one nor more than two years, or both, at the discretion of the Court.

SECTION 16. The Inspector or other officer authorized by law to hold the election, the Judges chosen as provided in Section 10 of this Act and the clerk chosen as provided in Section 13 of this Act, shall be the only persons who may lawfully enter the voting

Others entering.	room or place where the election is held, except as hereinbefore provided ; and if any person or persons shall enter the voting room or place where the election is held before the hour of opening the polls on the day of election or at the time of opening the election, or at any time during the day of the election and before the hour of closing the election, or attempt to enter the same for the purpose of interfering with the election officers in the discharge of their duties as such or for any purpose, or shall attempt to molest, disturb or prevent the election officers from proceeding regularly with any general or special election, or shall take charge or attempt to take charge of any voting room or place where the election is held within the time herein mentioned for the purpose of preventing or delaying an election, or for any other purpose on election day such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, and shall be imprisoned for a term not exceeding three years, provided that a single representative of each political party, having nominated a ticket, and such party being represented on the ballot then printed for any general or special election, may at the opening of the election be present to aid in the proper qualification of the several election officers, but as soon as the election officers shall be qualified or ready to open the election, or the proper hour therefor having arrived such representatives of each political party shall immediately retire from the voting room or the place where the election is held.
Interference, molestation, disturbance or delay.	
Penalty.	
Representative of each party to be present at opening.	
To retire when.	

Hour of opening election. **SECTION 17.** The general election shall be opened in every election district of the State on the Tuesday next after the first Monday in the month of November in the year in which the same is held, between the hours of eight and nine o'clock in the morning, by the Inspector, or other officer authorized by law to hold the election, making proclamation that the same is open.

Voting. **SECTION 18.** Each qualified elector shall deliver a single ballot which shall conform to the requirements of the law of this State as to ballots for any general or special election, containing the names of persons voted for to the Inspector or other officer authorized by law to hold the election, who shall audibly pronounce the name of the elector, which shall be entered in words at length upon a list of polls to be kept by each of the clerks whom the judges shall direct to that duty, and one of the judges shall write against it, on the alphabetical list as contained in the "Book of Registered Voters" delivered by the Registrar to the Inspector or other officer authorized by law to hold the election, the word "voted." There shall be

Entry of names, etc.

no examination of a ballot except to determine that it is single; and the Inspector or other officer authorized by law to hold the election shall, immediately after pronouncing the elector's name put the ballot into the box in his presence, unless the vote shall be objected to.

Ballots not to be examined.

Depositing ballot

SECTION 19. The Inspector or other officer authorized by law to hold the election, shall not at any election receive or deposit in the ballot box the ballot of any person offering to vote until his name shall have been found in the list of registered voters as contained in the Book of Registered Voters delivered to him for the purposes of said election, and the Judges, or a majority of them shall be satisfied that the person so offering to vote is the person named in said list; but no objection to the vote of any person whose name shall have been found on said list as contained in said Book of Registered Voters shall be entered or considered by the Judges of the elections except for the following reasons, to wit:

What ballots not to be received.

Reasons for objection to votes

First. That he is not the person whose name appears in said Book of Registered Voters.

Second. That he has become disqualified as a voter since he was registered.

If a vote be objected to for any of the reasons above mentioned its admission or rejection shall be determined according to the opinion of a majority of the judges; and

Determination of objection.

Third. That no person who shall receive or accept or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding or in any manner influencing the giving or withholding a vote at any general election in this State, shall vote at such election unless such person being challenged for any of said causes, shall take and subscribe to the following oath or affirmation which shall be administered by the inspector or other officer authorized by law to hold the election:

Bribery.

I do solemnly swear (or affirm) that I have not received or accepted, or offered to receive or accept, paid, or transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as compensation, inducement or reward for the registering or abstain-

Oath.

ing from registering of any one qualified to register, or for the giving or withholding a vote at this election.

Signed

Sworn and subscribed to before me this.....day
of November A. D. 189.....

.....
Inspector.

Oaths to be con-
clusive evidence.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof shall bar any prosecution under Section 8 of Article V of the Constitution of this State. In order to enable the election officers to carry into effect the provisions of this Section, the Sheriff of each county shall cause to be prepared a book containing not less than five hundred blank forms of the oath or affirmation provided for in this Section, and shall cause one of said books to be delivered to the Inspector or other officer authorized by law to hold the election in each of the election districts of his county at the time provided in Section 3 of this Act. Such oath or affirmation when signed and attested as herein provided, shall be competent evidence in any proceeding against the party making the same.

Book of oaths,

Delivery of.

Oath to be
evidence.

Closing election.

SECTION 20. The election shall be continued open until six o'clock in the afternoon when it shall be closed. The Inspector or other officer authorized by law to hold the election, shall one half hour before closing the election make proclamation that the same will be closed in that time.

Counting of votes

SECTION 21. When the election shall be closed the Inspector or other officer authorized by law to hold the election, and Judges, shall openly and publicly unlock the box containing the ballots, and shall remove the lid so far as that the ballots can be taken separately from the box, one of the judges shall keep in his custody the said box, while another shall publicly, in the presence of the other Judges and such of the electors as shall think proper to be present take the ballots one by one from the box and read the same. When a ballot shall be read, it shall be put into the other box delivered by the Sheriff to the Inspector or other officer authorized by law to hold the election, as provided in the third Section, it being first seen that the said box contains nothing, and the same being kept during the reading in the possession of one of the

Judges; and two clerks at least shall keep accurate count of the ballots as they are read, which shall be done on such tally lists as aforesaid, by writing the name of every person voted for in the margin under a designation of the office for which the vote is given to him, and making a distinct dot with a pen in the squares in the row against such name for every vote such person shall receive for the same office, and each square when full shall contain five rows of dots, each row consisting of five dots and each clerk shall upon reading of the name repeat it with the number of the dots in the row pronouncing at the last dot in the square "tally full," and at the first dot of the succeeding square "one of a new," if the same person shall be voted for for different offices, his name shall be written in the margin for each office, and a just count kept of the votes given to him for each office. The reading and counting of the votes shall be continued, without interruption or adjournment until completed.

Account,
how kept.

Counting not to
be interrupted.

SECTION 22. When the reading and counting of the votes is completed the Inspector or other officer authorized by law to hold the election and Judges shall forthwith make and sign three certificates of the election in their election district according to the form prescribed in Section 6 stating every office for persons to fill which votes shall have been given at said election, the name of every person to whom any vote shall have been given for such office and the number, in words at length, of votes given to such person for the said office. The said certificates shall be put in separate envelopes, which shall be furnished by the Sheriff, and said envelopes shall be endorsed on the face thereof with the words "Certificate of the votes cast in election district of Representative District at the general election in county, A. D.," and on the back of each envelope after the same shall have been sealed the Inspector or other officer authorized by law to hold the election and Judges shall respectively write their names crosswise the sealing.

Certificates, of
result, signing.

Form.

Certificates to be
placed in envel-
opes.

Entry on
envelopes.

Election officers
to write their
names on the
sealing.

The tally lists shall be signed by the Inspector or other officer authorized by law to hold the election, Judges and Clerks, and deposited with one of said envelopes containing a certificate in the box into which the ballots shall have been put when read and the lid of said box shall be secured by tape crossed and sealed with sealing wax by one of the Judges not being the Inspector or other officer authorized by law to hold the election, one of the said envelopes containing a certificate and the ballot boxes shall be kept by the Inspector or other officer authorized by law to hold the election, the other and remaining envelope containing a certificate

Signing of
tally lists.

Deposit.

Securing and
sealing lid of box

Custody of
certificates.

shall be kept by one of the Judges not being of the same political party as the Inspector or other officer authorized by law to hold the election.

Delivery of
certificates and
ballot box.

To whom
delivered.

Delivery to Court.

Duty of Court.

Canvass of
election.

Of whom
Court to consist.

Court to be
Board of Canvass

Powers of Court.

Opening ballot
boxes.

SECTION 23. The presiding election officer of each election district in the respective counties of this State, on the day next after the general election, shall deliver one of the envelopes containing a certificate of the election, made and certified as hereinbefore required, together with the ballot box or ballot boxes containing the ballots and other papers required by law to be placed therein to the Prothonotary of the Superior Court of the county, who shall at twelve o'clock noon on the second day after the election present the same to the said court, and the election officer having charge of any other certificate of the election shall at the same time present the same to the said Court, and the said Court shall at the same time convene for the performance of the duties hereby imposed upon it; and thereupon the said Court with the aid of such of its officers and such sworn assistants as it shall appoint shall publicly ascertain the state of the election throughout the county and in the respective hundreds and election districts, by calculating the aggregate amount of all the votes for each office that shall have been given in all the hundreds and election districts of the county for every person voted for for such office.

For the purposes of this Section the Superior Court shall consist in New Castle County of the Chief Justice and the Resident Associate Judge; in Kent County of the Chancellor and the Resident Associate Judge; and in Sussex County of the Resident Associate Judge and the remaining Associate Judge, who shall for the purpose of this Act be a Board of Canvass for the respective counties of this State; in case the certificates of election of any election district in the county shall not be produced or in case the certificates produced do not agree or in case of complaint under oath of fraud or mistake in any such certificates or in case of fraud or mistake is apparent on the face of any such certificate the Court shall have the power to issue summary process against the election officers of such election district or any other persons to bring them forthwith into court with the election papers in their possession or under their control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

SECTION 24. If the presiding election officer of any election

district after the election shall die or be prevented by sickness or accident from delivering the certificate of election, together with the ballot box or ballot boxes containing the ballots and other papers required by law to be placed therein to the Prothonotary of the Superior Court of the county, as required in the preceding section, the said certificate of election and ballot boxes for his election district shall be sent by safe and secure conveyance (for the safety of which the presiding election officer or his executors or administrators or heirs shall be responsible) to the Prothonotary on the day next succeeding the day of the general election.

Death, sickness
or accident, of
presiding elec-
tion officer.

Sending certi-
ficates, etc.

SECTION 25. After the state of the election shall have been ascertained by calculating the votes as aforesaid the said Superior Court shall make under the seal of said court the following certificates, to wit:

Certificates
of result.

Three certificates of the election of electors of President and Vice President of the United States, certifying in words at length the number of votes given for every person voted for for that office.

Four certificates of the election of Governor, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Lieutenant Governor, certifying in words at length, the number of votes given for every person voted for, for that office.

Two certificates of the election of a representative or representatives, as the case may be, of this State in the House of Representatives of the United States in Congress, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Attorney General, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Insurance Commissioner, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of State Treasurer, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Auditor of Accounts, certifying in words at length, the number of votes given for every person voted for, for that office.

Two certificates of the election of a Senator for
.....Senatorial District of the County in the General Assembly.

Two certificates of the election of a Representative for
..... Representative District of the county in the General Assembly.

Two certificates of the election of Prothonotary.

Two certificates of the election of Clerk of the Peace.

Two certificates of the election of Register of Wills.

Two certificates of the election of Recorder.

Two certificates of the election of Register in Chancery.

Two certificates of the election of Clerk of the Orphans' Court.

One certificate of the election of Levy Court Commissioners for Levy Court District (New Castle County).

One certificate of the election of Levy Court Commissioner for Representative District (Kent County).

One certificate of the election of Levy Court Commissioners or of such of said officers as shall have been voted for at the said election.

One certificate of the election of County Treasurer.

One certificate of the election of Receiver of Taxes and County Treasurer.

One certificate of the election of County Comptroller.

Two certificates of the election of Sheriff.

Two certificates of the election of Coroner.

One certificate of the election of Assessor for Assessment District or Hundred (in New Castle County).

One certificate of the election of Assessor for Representative District (in Kent county).

One certificate of the election of Assessor for Hundred (in Sussex county).

One certificate of the election of Inspector for Election District of Representative District.

One certificate of the election of Road Commissioners for Hundred (New Castle county).

Sealing
certificates.

The said Superior Court shall inclose and seal up each of said certificates separately in an envelope, with an endorsement thereon describing the certificates inclosed. Upon the paper inclosing the certificates of the election of Senator or Representative in the General Assembly, the name of the person chosen shall be endorsed. The said Court shall deliver the ballot boxes to the Sheriff of the county, to be by him kept and delivered as required by law.

Endorsement,
Delivery of
ballot boxes
to Sheriff.

Form of
certificate.

SECTION 26. The aforesaid certificates may be according to the following form, to wit.:

The State of Delaware, County, ss.

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand hundred and for County, according to the Constitution and laws of the State of Delaware (here insert, to wit.: If the certificate be of an election of electors of President and Vice President, of Governor, of Lieutenant Governor, of Representative in Congress, of Attorney General, of Insurance Commissioner, of State Treasurer of Auditor of Accounts, the number in words at length of votes given for each person voted for, for said respective offices; if the certificate be of an election of Senator or Representative in the General Assembly, or, of Prothonotary, of Clerk of the Peace, of Register of Wills, of Recorder, of Register in Chancery, of Clerk of the Orphan's Court, of Levy Court Commissioner, or Commissioners, of County Treasurer, of Receiver of Taxes and County Treasurer, of County Comptroller, of Sheriff, of Coroner, of Assessor, of Inspector or of Road Commissioner, the names of the persons elected), which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county, according to the provisions made by law in this behalf.

In testimony whereof, we and constituting the Superior Court for County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county, on this day of November, A. D.

And the manner of making the insertion aforesaid may be as Manner of filling up certificate. follows, to wit.:

IN CASE OF ELECTORS OF PRESIDENT AND VICE PRESIDENT.

..... votes were given for for Elector
..... votes were given for for Elector
and so on, naming each person voted for.

IN CASE OF GOVERNOR.

..... votes were given for for Governor
..... votes were given for for Governor
and so on, naming each person voted for.

IN CASE OF LIEUTENANT GOVERNOR.

..... votes were given for for Lieutenant Governor
 votes were given for for Lieutenant Governor
 and so on, naming each person voted for.

IN CASE OF REPRESENTATIVE TO CONGRESS.

..... votes were given for for Representative to Congress
 and so on, naming each person voted for.

IN CASE OF ATTORNEY GENERAL.

..... votes were given for for Attorney General
 votes were given for for Attorney General
 and so on, naming each person voted for.

IN CASE OF INSURANCE COMMISSIONER.

..... votes were given for for Insurance Commissioeer
 votes were given for for Insurance Commissioner
 and so on, naming each person voted for.

IN CASE OF STATE TREASURER.

..... votes were given for for State Treasurer
 votes were given for for State Treasurer
 and so on, naming each person voted for.

IN CASE OF AUDITOR OF ACCOUNTS.

..... votes were given for for Auditor of Accounts
 votes were given for for Auditor of Accounts
 and so on naming each person voted for.

IN CASE OF SENATORS TO GENERAL ASSEMBLY.

..... was duly elected Senator for the
 Senatorial District for said county in the General
 Assembly; and so on giving certificates for each Senator elected in
 the respective Senatorial Districts of the county: and
 was duly elected Senator for the Sena-
 torial District for said county in lieu of late
 Senator for said Senatorial District of said county, in the General
 Assembly; and so on giving certificates for each Senator elected in
 lieu of any other Senator for any Senatorial District for said county
 in the General Assembly.

IN CASE OF REPRESENTATIVES TO GENERAL ASSEMBLY.

..... was duly elected Representative for the
 Representative District for said county in the

General Assembly ; and so on giving certificates for each Representative elected in the respective Representative Districts of the county.

IN CASE OF PROTHONOTARY.

..... was duly elected Prothonotary for
County.

IN CASE OF CLERK OF THE PEACE.

..... was duly elected Clerk of the Peace for
County.

IN CASE OF REGISTER OF WILLS.

..... was duly elected Register of Wills for
County.

IN CASE OF RECORDER.

..... was duly elected Recorder for
County.

IN CASE OF REGISTER IN CHANCERY.

..... was duly elected Register in Chancery for
County.

IN CASE OF CLERK OF THE ORPHAN'S COURT.

..... was duly elected Clerk of the Orphan's Court for
..... County.

IN CASE OF LEVY COURT COMMISSIONERS FOR NEW CASTLE
COUNTY.

..... was duly elected Levy Court Commissioner for
..... District in said County ; and so on, giving a certificate for each Levy Court Commissioner elected in each district in said County.

IN CASE OF LEVY COURT COMMISSIONERS FOR KENT COUNTY.

..... was duly elected Levy Court Commissioner for
..... Representative District in said County ; and so on giving a certificate for each Levy Court Commissioner elected in each Representative District in said county.

IN CASE OF LEVY COURT COMMISSIONER FOR SUSSEX COUNTY.

..... was duly elected Levy Court Commissioner for
..... Hundred in said county, and so on for each Levy
Court Commissioner elected for any hundred in the county.

IN CASE OF COUNTY TREASURER (IN KENT AND SUSSEX COUNTY).

..... was duly elected County Treasurer for
County.

IN CASE OF RECEIVER OF TAXES AND COUNTY TREASURER (IN
NEW CASTLE COUNTY).

..... was duly elected Receiver of Taxes and County
Treasurer for said county.

IN CASE OF COUNTY COMPTROLLER (IN NEW CASTLE COUNTY.)

..... was duly elected County Comptroller for New Cas-
tle County.

IN CASE OF SHERIFF.

..... was duly elected Sheriff for County.

IN CASE OF CORONER.

..... was duly elected Coroner for
County.

IN CASE OF ASSESSOR IN THE CITY OF WILMINGTON.

..... was duly elected Assessor for As-
sessment District of the city of Wilmington, and so on, giving
certificates for each Assessor elected in the respective assessment
districts in the city of Wilmington.

IN CASE OF ASSESSOR IN NEW CASTLE COUNTY OUTSIDE THE CITY
OF WILMINGTON.

..... was duly elected Assessor for.....
..... Hundred in said county and so on, giving certi-
ficates for each Assessor elected in the respective Hundreds of said
county.

IN CASE OF ASSESSOR IN KENT COUNTY.

..... was duly elected Assessor for.....
Representative District in said County, and so on, giving certi-
ficates for each Assessor elected in the respective Representative
Districts in said county.

IN CASE OF ASSESSOR IN SUSSEX COUNTY.

.....was duly elected Assessors for.....
Hundred in said county, and so on, giving certificates for each
Assessor elected in the respective Hundreds of said county.

IN CASE OF INSPECTOR OUTSIDE OF THE CITY OF WILMINGTON.

.....was duly elected Inspector for.....
Election District of.....Representative Districts
forCounty, and so on, giving certificates for
each Inspector elected in each election district in each Represen-
tative District for the respective counties.

IN CASE OF ROAD COMMISSIONERS FOR NEW CASTLE COUNTY.

.... was duly elected Road Commissioner for.....
.....Hundred of said county, and so on, giving certi-
ficates for each Road Commissioner elected in said county.

SECTION 27. If, by reason of an equal number of votes hav- Tie votes.
ing been cast for two or more persons for the office of Senator or
Representative in the General Assembly, Prothonotary, Clerk of
the Peace, Register of Wills, Recorder, Register in Chancery,
Clerk of the Orphan's Court, Levy Court Commissioners, County
Treasurer, Receiver of Taxes and County Treasurer, County
Comptroller, Sheriff, Coroner, Assessor, Inspector or Road Com-
missioner (for New Castle County,) it shall appear to the said
Court that a vacancy will occur in said office, a certificate of such
fact shall thereupon be made under the hands of the said Superior
Court, and under the seal of said Court, which certificate shall be
transmitted by the said Court to the Governor, and the aforesaid
certificate of election shall be delivered as hereinafter is provided.

Certificate of tie
to be delivered
to Governor.

SECTION 28. The said Superior Court, shall within three days
after making the certificates of the election for Electors of President
and Vice-president, either personally, or by a person deputed by it
for that purpose, transmit, deliver and lodge the said certificates of
the election for Electors of President and Vice-president, as fol-
lows, to wit:

Delivery of cer-
tificates of elec-
tion by Court.

One to the Governor, another to the Secretary of State, and
the other to the Prothonotary of the County; and shall transmit,
deliver and lodge the certificates of the election for Governor, accord-
ing to the directions of the Constitution in that behalf, and shall
transmit, deliver and lodge one of the said certificates of the elec-
tion for Lieutenant Governor to the President of the Senate, or in

Duplicate
returns.

Delivery of.

case of a vacancy in the office President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be chosen, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county, and shall transmit, deliver and lodge one of each of said certificates of the election for Representative, or Representatives, in the House of Representatives of the United States to the Governor, and lodge the other of the said certificates in the office of the Clerk of the Peace of the county; and shall transmit, deliver and lodge one of the certificates of the election for Attorney General, for Insurance Commissioner, for State Treasurer and for Auditor of Accounts to the Governor and the other of said certificates in the office of the Prothonotary of the county; and shall transmit and deliver one of said certificates of the election of Senator and one of said certificates of the election of Representative in the General Assembly, in the office of the Prothonotary for Kent county, and further shall deliver, on the first day of the meeting of the General Assembly after the election the other certificate of the election of Senator to the Senate, and the other certificate of the election of Representative to the House of Representatives; and shall transmit and deliver one of said certificates of the election of Prothonotary, of Clerk of the Peace, of Register of Wills, of Recorder, of Register in Chancery, of Clerk of the Orphan's Court, of Sheriff and of Coroner, to the Governor and the other of said certificates to the Clerk of the Peace of the county, except the one for Clerk of the Peace, which shall be delivered to the Prothonotary; and shall transmit and deliver the certificate of the election of each Levy Court Commissioner, in New Castle and Kent counties, and the certificate of the election of Levy Court Commissioners in Sussex county to the Clerk of the Peace of the respective counties; and shall transmit and deliver the certificate of election of the County Treasurer, of Receiver of Taxes and County Treasurer (in New Castle County) and of Comptroller (in New Castle county), to the Clerk of the Peace of the county; and shall transmit and deliver one of the certificates of the election of Assessor, of Inspector and of Road Commissioner (in New Castle county) to the Clerk of the Peace of the county, to be laid before the Levy Court, and one for each of said officers to the Sheriff of the county to be by him delivered to the respective parties certified to have been elected. The Prothonotary of Kent county shall, on any day of the meeting of the General Assembly,

deliver, if required, the certificates of election of Senators or of Representatives to the order of the House to which it belongs, or to the person named in the endorsement thereon.

Prothonotary to deliver certain certificates to General Assembly.

SECTION 29. Each Inspector or other officer authorized by law to hold the election, shall, on the day next after the general election, deliver into the office of the Clerk of the Peace of his county, the oaths or affirmations that shall have been signed by the Inspector, or other officer authorized by law to hold the election, and Judges of the election in his election district, and the certificate of said oaths or affirmations being administered, to be made and signed as directed in the twelfth Section of this Act, and the two lists of the polls kept at the election as before directed, and the Register and the Book of Registered Voters, certified to by the registration officers, with the notes of "voted," as the same shall have been made in said last mentioned book on the day of the election; all of which shall be filed in the office of the said clerk, and shall be public records, and as such, admissible as evidence.

Inspectors to deliver oaths, etc., to Clerk of the Peace.

SECTION 30. The Sheriff shall preserve the ballot boxes containing the ballots, and other papers required by law to be placed therein, safely, and secured in the manner in which the same shall have been delivered to him, until the last day of February next after the election. If the term of office of the said Sheriff shall expire prior to the said last day of February, he shall deliver, within two days after the expiration of his term, the said ballot boxes, containing the ballots and other papers required by law to be placed therein, preserved in the same manner in which they were when delivered to him, to his successor in office, who shall safely and securely keep the same in the manner in which the same shall have been delivered to him, until the said last day of February next after the election.

Sheriff to preserve ballot boxes, etc.

Expiration of term of office of Sheriff.

SECTION 31. The Senate shall have power to compel a delivery to that body of the ballot boxes aforesaid, and for that purpose to order and cause to be arrested and brought before them any Sheriff having the custody of the said ballot boxes, and to adjudge him guilty of a contempt for neglect or refusal to deliver any such ballot boxes and to proceed against him accordingly, and the House of Representatives shall have power to compel the delivery of said ballot boxes in like manner and by like proceedings.

Power of Senate to counsel delivery of ballot boxes.

Refusal of Sheriff.

House of Representatives to have like power.

SECTION 32. The Governor, after receiving the certificates of

Duty of Governor to examine returns. the state of the votes of the respective counties of the State, under the seal of the Superior Court, for the office of Attorney General, Insurance Commissioner, State Treasurer and Auditor of Accounts, or any of whom as shall have been voted for at the preceding general election, shall, without delay, examine the returns and declare the person or persons elected, and shall issue certificates of such election under his hand, and the same, together with the returns, shall be filed in the office of the Secretary of State, and the Governor shall by proclamation make public the state of the vote by causing the same to be published in one or more of the public newspapers of the respective counties of this State, and shall issue commissions to the persons elected, as required by the Constitution in that behalf.

Certificate of election.

Filing.

Proclamation by Governor of State by vote.

SECTION 33. That all Acts or parts of Acts supplied by this Act or inconsistent with the provisions thereof are hereby repealed and made null and void.

Approved June 1, A. D. 1898.

CHAPTER 37, VOLUME 19.

AN ACT to provide for the Secrecy and Purity of the Ballot.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That hereafter it shall be the duty of each Inspector of Elections in this State, outside of the City of Wilmington, to provide a room for the holding of any general or special election in his hundred or election district which shall be adapted to the requirements of this act. Said room shall be at the place now or which may hereafter be established by law in each hundred or election district for the holding of elections, or in as close proximity thereto as practicable, having due regard to the convenience of the voters.*

Provided, however, that if any Inspector shall select a place for the holding of any general or special election in his hundred or election district, other than the one established by law, he shall do it in time to give the notice of holding such election required by law. Said room shall have a door or entrance of easy or convenient access, and if practicable, a separate means of exit. It shall be provided on the outside with a passage at least four feet wide and with a railing, rope or wire on each side commencing at least thirty feet away from and leading to the entrance to such place of election and passing the place assigned for the challengers and thence to the entrance of the room in which the election is held.

Duty of Inspector to provide a room for holding elections.

Place of holding elections.

Notice of change of place of holding election.

Plan of room and entrance.

The Inspector shall provide for the room a railing therein separating the part of the room to be occupied by the election officers from the remainder of the room. He shall also provide a suitable table and chairs for the use of the election officers. The table shall occupy such a position in said room as to enable the election officers and the challengers hereinafter provided for to easily communicate with each other. He shall cause to be constructed in the room at least one booth for every one hundred and fifty voters or fractional part thereof in each hundred or election district; *provided* that there shall not be less than three booths at any one hundred or election district. The booths shall be at least three feet square and six feet high if the ceiling will admit it. They shall each contain a shelf properly constructed and provided with pen and ink

Interior appliances of room.

Booths.

Size and arrangement of booths.

*See Section 2, of Chapter 38, Volume XXI.

Duty of the department of elections in the city of Wilmington, in providing conveniences for elections.

and they shall be so constructed and arranged that all the election officers in the room can see whether more than one voter enters any one of them at any one time. In the City of Wilmington it shall be the duty of the Department of Elections to select the voting place in each election district within the city and to provide the room in which the election is to be held and to protect the same with the required railing or rope and to construct therein the necessary number of booths and to do all other things required to be done by the Inspectors of Election outside of the City of Wilmington in and about the furnishing and fitting up of said room.

Challengers.

SECTION 2. * Each of the political parties may select and accredit some suitable person as a challenger to stand without the door or entrance of the room in which the election is to be held, and by the side of the passage hereinbefore provided for; and in case of failure of any or all of the political parties to select such person or persons as challenger or challengers it shall be the duty of the Inspector and Judges to make such selection or selections, *provided* that the challengers may be exchanged and their places filled in like manner during the day.

What shall constitute a political party under this act.

SECTION 3. A political party within the meaning of this Act shall be an organization of bonafide citizens and voters of any county in this State, which shall by means of a convention, primary election or otherwise, nominate candidates for public offices to be filled by the people at any general or special election within the State. No organization shall be regarded as a political party that does not represent at least one hundred bonafide citizens and voters of the county in which it exists. If the Clerk of the Peace should have any doubt as to the sufficiency of the number of bonafide voters represented by any organization in any county, he may demand a certificate of twenty-five voters belonging to such an organization as to that fact.

Clerk of the Peace may demand certificate of organization.

Clerks of Peace to print ballots.

SECTION 4. The Clerks of the Peace for the several counties shall cause to be printed on the ballots, herein provided for, the names of the candidates nominated by the parties recognized by them as political parties within the meaning of this act. The nomination of the candidates for the office of Governor, Representatives in Congress and Presidential Electors shall be certified to the several Clerks of the Peace by the presiding officer and secretary of the several State party conventions or committees, and the nomina-

Nomination to be certified to Clerk of the Peace.

* See Section 3 of Chapter 396, Volume XX, printed after this Act.

tions of the candidates for the county, hundred and district offices shall be certified to the respective Clerks of the Peace of the county in and for which such nominations have been made by the presiding officer and secretary of the proper party convention or committee. The certificate shall be in writing and shall contain the name of each person nominated, his residence and the office for which he is nominated. The persons making such certificate shall add to their signatures their respective places of residence and shall acknowledge said certificate before an officer duly authorized to take acknowledgments of deeds, and a certificate of such acknowledgment shall be affixed to the instrument.

Form of
certificate.

The certificate shall also designate a title for the party which such convention or committee represents together with any simple figure or device by which its list of candidates may be designated on the ballot. *Provided* that the figure or title or device selected and designated by the State convention or committee of any party shall be used by that party throughout the State; only one figure or device shall be used by a party at any election. The same title, figure or device shall not be used by more than one party, and the party first certifying a name, title, figure or device to the Clerks of the Peace shall have the prior right to use the same. Such figure or device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State, or of the United States, or the flag of the United States, shall not be used as such figure or device.

Certificate to
designate figure
or device of
party.

Figures or
devices of parties

What figures or
devices may be
used.

What shall
not be used.

In case of death, resignation or removal of any candidate subsequent to nomination a supplemental certificate of nomination may be filed by the proper officers of the State, county, district or hundred committees. In case of a division in any party and claim by two or more factions to the same party name or title, figure or device, if the division occurs at a State convention, or extends throughout the State, the Clerks of the Peace of the several counties shall, within ten days after any one of them has received the certificates of the contending factions, assemble in the office of the Clerk of the Peace at Dover and determine which faction the name, title or figure properly belongs to, giving the preference to the convention held at the time and place designated in the call of the regularly constituted party authorities; and if within five days thereafter the other faction shall present no other party name or title, figure or device and certify the same to the Clerks of the Peace the latter shall again immediately assemble and select some suitable title figure or device for said faction and the same shall be placed above the list of their candidates on the ballots. If the certificate of the contending factions shall not be

Death, resignation
or removal
of candidates.

In case of division
and factions
in parties, who
shall use party
figure or device

How decided

received by the Clerks of the Peace in time for them to assemble at Dover before publishing the device and list of candidates in the newspapers, then and in that case each Clerk of the Peace shall determine for himself which faction shall be entitled to the name, title, figure or device and shall select a name, title, or figure or device for other the faction. *Provided* that in case of division in any party extending only throughout a country, district or hundred, the Clerk of the Peace of the County in which such division occurs upon the receipt of certificates from the contending factions shall determine which faction is entitled to the party name, figure or device and to have their nominations printed in the proper party column, and should the other faction fail to do so the Clerk of the Peace shall select for them a name or title, figure or device.

Clerk of the Peace to preserve all certificates of nominations.

SECTION 5. The Clerks of the Peace of the several counties shall cause to be preserved in their respective offices all certificates of nominations filed under the provisions of this act for six months after the date of the filing thereof.

Time of filing certificates of nominations.

SECTION 6. Certificates of nominations herein directed to be filed with the Clerks of the Peace shall be filed not less than twenty days before the day fixed by law for the election of the persons in nomination.

Publication of nominations.

SECTION 7. At least ten days before an election to fill any public office the Clerk of the Peace of each county shall cause to be published in at least two newspapers within his county the nominations to office certified to him as directed in Section 4. He shall make no less than two publications in each of such newspapers before election. Such publications shall be made in two newspapers representing the two principal political parties. *Provided*, that in all cities where a daily newspaper is published such notice shall also be published in two daily papers representing such political parties, if such there be. The lists of nominations published by the Clerk of the Peace shall be arranged as far as practicable in the order and form in which they will be printed upon the ballots, and shall designate the devices under which the lists of candidates of each party will be printed. The Clerk of the Peace shall not include in the publication to be made according to this section the name of any candidate whose certificate of nomination shall have been filed in his office who shall have notified him in writing duly signed and acknowledged that he will not accept the nomination. The names of such candidates shall not be included

In what newspapers published.

Arrangement of nominations for publication.

What nominations shall be excluded from publication and from the ballots.

in the names of the candidates to be printed on the ballot as hereinafter provided.

SECTION 8. The Clerk of the Peace in each county shall cause the names of all candidates to be voted for in his county and the several hundreds or districts in the same to be printed in parallel columns in one ballot, all nominations of any party being placed under the title and device of such party as designated by its authorized agent or agents in the certificate or certificates, or if none be designated under some suitable title and device to be selected by the Clerk of the Peace.* The ballots shall be of uniform size and of the same quality and color of paper and sufficiently thick that the printing cannot be distinguished from the back. The arrangement of the ballot shall in general conform as nearly as possible to the plan hereinafter given, and the device named and chosen and the list of candidates of the Democratic party shall be placed in the first column on the left hand side of said ballot; of the Republican party in the second column and of any other party in such order as the Clerk of the Peace shall decide.†

Clerks of the Peace to print ballots.

Size, form, style and color of ballots.

Arrangement of ballots.

<p>DEVICE DEMOCRATIC TICKET.</p>	<p>DEVICE REPUBLICAN TICKET.</p>
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For Governor :
A. B.

For Governor :
E. F.

For Representative
in Congress :
C. D.

For Representative
in Congress :
G. H.

SECTION 9. In case of the death, removal or resignation of any candidate after the printing of such ballots and before such election, it shall be lawful for the chairman of the State, county, hundred or district political organization by which such candidate was nominated to make a nomination to fill such vacancy and to provide the election officers of each election district in which such

Death, removal or resignation of candidates after printing of ballots.

*Clerk of the Peace to fold ballots. See Section 8, Chapter 396, Volume XX.

†See Section 2 of Chapter 396, Volume XX.

New nomination, pasters, etc.

candidate is to be voted for with a number of pasters containing only the name of such candidate at least equal to the number of ballots provided for each election district, but no pasters shall be given to or received by anyone except such election officers and such chairman, and it shall be the duty of the Clerks of Election to put one of such pasters in a careful and proper manner and in the proper place in each ballot before they shall sign their initials thereon.

Duty of clerks of election in using such pasters.

Printer of ballots to allow no ballots to be taken out, nor to print in any other form

SECTION 10. If the printer of such ballots or any person employed in printing the same shall give or deliver or knowingly permit to be taken any of said ballots by any person other than the Clerk of the Peace for whom such ballots are being printed or shall print, or cause or permit to be printed any ballot in any other form than the one prescribed by this act, or with any other names thereon than those authorized by the Clerk of the Peace or with the names spelled or the names or devices thereon arranged in any other way than that authorized and directed by the said Clerk of the Peace, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one nor more than five years or both at the discretion of the Court.

Penalty.

Number of ballots to be printed

SECTION 11. The Clerk of the Peace in each county shall cause to be printed within the State of Delaware in the form hereinbefore provided four ballots for every voter in each hundred or election district in his county, and the number of voters shall be ascertained in each hundred or election district by reference to the highest number of votes polled therein at any preceding election with due allowance for any estimated increase thereof. If a new election district has been established in his county the number shall be estimated by said Clerk of the Peace according to the best information he can obtain.

Number of voters; how ascertained.

Packages of ballots

*The Clerk of the Peace shall cause the ballots for each hundred or election district to be carefully wrapped and tied in two packages each containing the same number of ballots, which packages shall be plainly marked and securely sealed with wax.

Stamp.

The Clerk of the Peace in each county shall also provide and enclose in each of said sealed packages one stamp for every three hundred ballots contained in the package, bearing a (*) or such

*Clerk of the Peace to fold ballots. See Sec. 9, Chap. 396, Vol. XX.

other device as he may select, together with ink pads or other necessary apparatus ready for use.

SECTION 12. It shall be the duty of each Inspector of election outside of the city of Wilmington to appear at the office of the Clerk of the Peace of his county on the day preceding the election before the hour of three o'clock in the afternoon, and the Clerk of the Peace shall deliver to him one of the sealed packages of ballots and stamps for his hundred or election district, and the said Inspector shall safely keep the said package and produce the same at the place of election and at the time of the opening of the election, *provided*, however, that in case there shall be a vacancy in the office of any Inspector on the day preceding the election, or any Inspector for any cause shall not apply to the proper Clerk of the Peace for the package of tickets printed for his hundred or election district by the hour of three o'clock in the afternoon of the day preceding the election the said Clerk of the Peace shall deliver said package to some trusty person who shall deliver it on the day of the election to the Inspector of election of such hundred or election district at the place of election and immediately upon the qualification of the election officers.

Duty of Inspectors of election to appear at the office of Clerk of the Peace to receive ballots on day before election.

To keep safe.

Failure of the inspector to call for tickets, Clerk of the Peace to deliver to whom.

In the city of Wilmington it shall be the duty of the President of the Department of Elections, or in case he cannot attend some other member of the Department of Elections authorized in writing by the President of the Department of Elections to appear at the office of the Clerk of the Peace of New Castle county on the day proceeding each election on or before the hour of three o'clock in the afternoon and the said Clerk of the Peace shall deliver to him one of the sealed packages and stamps for each election district in the city of Wilmington. And the said department of elections shall safely keep the same and deliver to each board of election officers and at the polling place on the day of the election at the time provided by law for the delivery of the ballot boxes the ballots intended for their several and respective districts.

To whom tickets delivered in the city of Wilmington.

SECTION 13. Any inspector or any other election officer or any other person whatever who shall break any package containing ballots and stamps or take any ballot therefrom, or suffer the same to be done by another, before the opening of the election shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than three hundred dollars nor more than five hundred dollars and may at the discretion of the court be imprisoned for a term not less than one year nor more than two years.

Penalty of election officer or other person breaking package containing ballots, etc., before opening of election.

Loss or destruction of ballots.

New supply of ballots.

In case election officers find no ballots or means of voting at election.

Proviso.

Opening of package of ballots.

Duty of clerk of election.

Delivery of ballots.

Instructions for voting.

SECTION 14. If by any action or casualty the ballots delivered to any inspector or other person by any Clerk of the Peace shall be lost or destroyed it shall be the duty of such person having such packages in his custody to report the loss at once to the Clerk of the Peace from whom the same were obtained and make affidavit of the circumstances of the loss whereupon such Clerk of the Peace shall at once re-supply such person. In case such person having in custody said package fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon such Clerk of the Peace shall at once send a new supply by some trusty person as provided in other cases. In case, for any reason, there should be found no ballots or other necessary means or contrivances for voting, at the opening of the election it shall be the duty of the election officers at such election place to secure the same as speedily as possible, and, if necessary, such election officers shall have ballots printed or written; *provided, however*, that such ballots shall conform as nearly as possible to the official ballots and the printing and the preparation and the care of the same shall be under the same provisions and penalties as the printing and the care of the other ballots prescribed in this act.

SECTION 15. At the opening of the election, after the qualification of the several officers and in the presence of the others the Inspector or the chairman of the Board of Inspectors shall open the package of ballots in such a manner as to preserve the seals intact. He shall then deliver to the Clerk of the Election of the opposite political party from his own, twenty-five of the ballots and to the other Clerk of the Election the stamps for marking the ballots. The Clerks of the Election shall at once proceed to write their initials, in ink, * [across the back of the ballot as folded and near the middle thereof,] in their ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot the Clerk of the Election having custody of the ballots shall deliver to him the first signed of the twenty-five ballots, and the Inspector shall immediately deliver to the said Clerk of the Election another ballot which the Clerks of the Election shall at once countersign, as before, and add to the ballots already countersigned, so that it shall be delivered for voting after all of those theretofore countersigned.

SECTION 16. The Clerk of the Peace of each county shall cause to be printed in large type on cards, in English and such other

* See Section 9, Chapter 396, Volume 20.

language as he may deem necessary, instructions for the guidance of electors in preparing their ballots. He shall furnish twelve of such cards in each of the languages determined upon by him to each of the Election Inspectors at the same time he delivers to him the ballots for his hundred or election district. Each Inspector shall cause to be posted one of each of said cards in each place or compartment provided for the preparation of ballots, and one of each kind of such cards at or near to the outer end of the enclosure leading to the polling place, and not nearer than thirty feet of the polling place, and not less than three of each of such cards and three samples of each of the ballots in and about the polling place at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done; First, to obtain ballots for voting; second, to prepare the ballots for voting; third, to obtain a new ballot in place of one accidentally defaced, mutilated or spoiled, also copies of Sections 24, 32, 33, 34 and 35 of this Act.

Inspectors to have cards posted.

Form of cards of instruction.

SECTION 17. One challenger appointed and designated by each political party as hereinbefore provided shall be entitled to stand at the side of the passage and near the entrance to the room.* No other person shall remain within thirty feet of said entrance except for the purpose of offering his vote, and voters shall approach and enter the passage in the order in which they appear for the purpose of voting. If any person offering to vote shall be challenged by one of such challengers or by any one of the election officers his right to vote shall be at once determined by the proper officers, and if his vote is refused he shall immediately stand aside and give place to the person next in line and retire without delay from within the thirty feet space around the entrance to the room.

Challengers, where to stand.

No other persons except to vote, to be within 30 feet of entrance.

Challengers.

SECTION 18. Inoperative. See Section 1, Chapter 396, Volume XX.

SECTION 19. When a voter shall have been passed by the challengers he shall be admitted to the election room. *Provided, however,* that there shall not be in the room at any one time more than one voter for each booth therein. On entering the room the voter shall announce his name to the Clerks of election, who shall register it. The clerk holding the ballots shall deliver to him one

Admission of voter to election room.

Number of voters admitted to election room.

Ballot and stamp, by whom delivered.

*See Section 3, Chapter 396, Volume XX.

	ballot and the other clerk shall deliver to him a stamp. * * * * * See Sec. 1, Chap. 396, Vol. 20.
Duties of voter.	The voter shall then, and without leaving the room, go alone into any of the booths which may be unoccupied and indicate the candidates for whom he desires to vote.* Before
Preparing ballot.	leaving the booth or compartment the voter shall fold his ballot so that no part of the face thereof shall be exposed, and so that the initials of the Clerks of the election shall be exposed, and on leaving the booth or compartment shall return the stamp to the Clerk of the election and deliver the ballot to the Inspector or to the Judge who may temporarily be authorized to act for the Inspector, who shall forthwith in the presence of the voter and of the other election officers deposit the same in the ballot box, and the
How deposited.	Clerks of the election shall write the word "voted" after the name of the voter on the poll list. <i>Provided, however,</i> that if any
Duty of clerks.	elector shall show his ballot or any part thereof to any person after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. The voter shall immediately after voting leave the room, and upon his refusal
Proviso.	to do so may be ejected therefrom, but no voter to whom a ballot and stamp, or either, have been delivered shall be permitted to leave the room without voting the ballot or returning it to the Clerk of the election or without returning the stamp to the Clerk of the election from whom he received it. Any voter who shall attempt to leave the room with the ballot or stamp in his possession shall be at once arrested on demand of an election officer.
What ballots shall not be deposited.	
No voter to leave the room with ballot and stamp.	
To be arrested.	
Number of persons in room at one time.	SECTION 20. Not more than one person shall be permitted to occupy any booth at one time, and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than three minutes. No more than one person for each booth in the room other than the election officers shall be permitted to enter or be in the election room at any one time, and no voter or person offering to vote shall hold any conversation or
Time for voting.	communicate with any other person than an election officer while in the election room.†
Conversation.	
Defaced or mutilated ballots	SECTION 21. Any person who shall by accident or mistake, spoil, deface, or mutilate his ballot may, on returning the same to the Clerks of the Election and satisfying them that such spoiling,

*See Section 2, Chapter 396, Volume XX.

†See Sec. 7, Chap. 396, Vol. XX.

defacing or mutilation was not intentional, receive another in place thereof, and such clerk shall make a minute of the facts on the poll lists at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the election officers.

SECTION 22. Supplied by Section 1, Chapter 396, Vol. 20.

SECTION 23. No Inspector of election, or Judge acting for the Inspector, shall deposit any ballot upon which the initials of the Clerks of the election as hereinbefore provided for does not appear or any ballot on which appears externally any distinguishing mark, defacement or mutilation.* What ballots not deposited.

SECTION 24. Any person who shall remove or attempt to remove a ballot or stamp from the election room, or have in his possession outside of the election room any ballot or stamp, either genuine or counterfeit, during the election, shall be guilty of a misdemeanor, and, on conviction thereof by indictment, shall be fined not less than two hundred dollars and not more than five hundred dollars or may be imprisoned for a term not exceeding two years and not less than one. Penalty for removing or attempting to remove ballots or stamps from room, or having any ballot or stamp outside election room.

SECTION 25. That the election officers, * * * * before entering upon the duties of their office shall each take an oath that he will not disclose the name of any voter who may change or alter his ballot or for whom he voted or how he marked his ballot; that he will not in any manner attempt to influence, intimidate, persuade, bribe or coerce any voter in the marking of his ballot or in the making of the choice of the person or persons for whom he votes, and any election officer * * * * who shall violate his oath in any of these particulars shall be guilty of willful and deliberate perjury and upon conviction thereof by indictment he shall in addition to the penalties and disabilities annexed to such crime be fined not more than five hundred dollars and may at the discretion of the court be imprisoned not exceeding two years. Oaths of election officers. Violation of oath, penalty.

SECTION 26. Inoperative.

SECTION 27. In the counting of the votes any ballot which is not endorsed with the initials of the Clerks of the election as provided in this act, and any ballot which shall bear any distinguishing mark shall be void and shall not be counted, and any ballot or What ballots not counted.

*See Sec. 2, Chap 396, Vol. XX.

part of a ballot from which it is impossible to determine the elector's choice of candidates shall not be counted as to the candidate or candidates affected thereby; *provided*, however, that such ballots and all disputed ballots shall be preserved by the Inspector and at the close of the count placed with the seals of the ballot packages in the box into which the ballots shall have been put when read.

Proviso. The election officers shall also record on the tally list memoranda of such ballots and the condition of the seal of the ballot packages; and in any contest of election such ballot and seals may be submitted in evidence. Immediately on closing the polls all the ballots remaining unvoted or unused shall be counted and destroyed by the election officers of the several hundreds or election districts by totally consuming by fire, and the election officers shall certify the number of ballots so destroyed by them on the respective tally lists.

Disputed ballots to be preserved.

Memoranda.

Remaining ballots destroyed, how

Clerks of the Peace to destroy ballots left over. The several Clerks of the Peace shall preserve the ballots left over in their hands after supplying the hundreds and election districts, as hereinbefore provided, until six o'clock P. M. of the day of election, and shall then count and destroy, by totally consuming by fire, all of such ballots but one, which he shall preserve in his office as a record together with his certificate of the number of ballots counted and destroyed by him.

Penalty for neglect or refusal of Clerk of the Peace to perform the duties under this act. SECTION 28. If any Clerk of the Peace or his clerk or any one acting for him shall neglect or refuse to have the ballots and stamps printed and prepared according to the provisions of this act, or shall neglect or refuse to deliver them in time to the parties properly entitled to receive them, or shall neglect or refuse to do or perform any other duty in and about the preparation and distribution of the ballots and stamps required to be done and performed by him by the provisions of this act, he shall be deemed guilty of a misdemeanor and shall be fined not less than one nor more than five thousand dollars, and he may in the discretion of the Court be imprisoned for not less than one nor more than five years.

Penalty for election officers or voters' assistants revealing certain knowledge. SECTION 29. If any person being an election officer * * * shall reveal to any person how any elector has voted or what person or persons were voted for by him on any ballot or give any information concerning the appearance of any ballot voted, such person or persons so offending shall be guilty of a misdemeanor and on conviction thereof by indictment shall be fined not more than five hundred dollars and shall be imprisoned not less than two years and not more than five years.

SECTION 30. Any person who shall falsely make or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof; or file any certificate of nomination knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination which has been duly filed or any part thereof; or forge or falsely make the official endorsement of any ballot; or print or cause to be printed any imitation ballot or circulate the same; or conspire with others to do any of said acts, or induce or attempt to induce any other person to do any of said acts whether or not said acts or any of them be committed or attempted to be committed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the discretion of the court not more than five years.

Penalty for falsely or fraudulently destroying, etc., any certificate of nominations.

SECTION 31. If any Clerk of the Peace, Inspector of Election, Clerk of Election or Judge of Elections or trusty person * * * shall willfully violate any of the provisions of this act in the performance of any duty herein imposed upon him for the violation of which no other punishment is herein provided he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than three nor more than five hundred dollars and may in the discretion of the court be imprisoned for a term not exceeding three years.

Penalty for violation of any provisions of this act.

SECTION 32. The Sheriff shall make the ballot boxes and the tally lists and all other papers to be delivered to the several inspectors conform to the requirements of this act. The inspector or the trusty person for his services in receiving and delivering at the place of holding the election as aforesaid the packages containing the ballots and stamps shall receive two dollars.

Duty of Sheriff.

Compensation of inspector or trusty person.

SECTION 33. * If any person not herein authorized so to do shall enter or attempt to enter the election room, or enter or attempt to enter within the railing leading to the entrance of the election room, or shall remain within thirty feet of the polling place contrary to the provisions hereinbefore made, he shall be guilty of a misdemeanor and on conviction thereof be fined not more than two hundred dollars.

Penalty for entering or attempting to enter election room or railing contrary to this act.

SECTION 34. If any person shall induce or attempt to induce any elector to write, paste or otherwise place on his ballot the

Distinguishing marks on ballot. Penalty for making.

* See Section 7, Chapter 396, Volume XX.

name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce electors or any electors to so place any distinguishing mark or name on his ballot whether or not said act be committed or attempted to be committed, such persons so offending shall be guilty of a misdemeanor and on conviction be imprisoned for not exceeding two years.

Inducing election officers to violate the provisions of this act.

Duty of inspector

Oath of election officers.

SECTION 35. If any person shall induce or attempt to induce any election officers to violate any of the provisions of this act whether or not such election officer shall violate or attempt to violate any of the provisions of this act, such person so offending shall be guilty of a misdemeanor and on conviction shall be imprisoned for a term not exceeding five years. It shall be the duty of each inspector to distinctly read this and the preceding section to the election officers at the opening of the polls and each member thereof shall thereupon take an oath that he has not violated and will not violate the provisions of said sections.

Penalty for tearing down or destroying conveniences at voting place.

SECTION 36. Any person who shall during the election remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall during the election remove, tear down or deface the cards printed for the instructions of the voters, or shall, during an election destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts whether or not any such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year.

Expenses, how paid.

SECTION 37. Inoperative. * * * All necessary costs and expenses incurred by the Inspector and Clerks of the Peace in carrying into effect the provisions of this act shall be paid as other county expenses are paid.

To what elections the provisions of this act apply.

SECTION 38. This act shall apply to all municipal elections held in the city of Wilmington, * * * but it shall not apply * * * to the election for members of the Board of Education in the city of Wilmington.

SECTION 39. All acts or part of acts inconsistent with this act Inconsistent acts repealed.
are hereby repealed.

Passed at Dover, May 15, 1891.

CHAPTER 396. VOLUME 20.

AN ACT to further provide for the Secrecy and Purity of the Ballot.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met :*

SECTION 1. That no person shall hereafter be appointed as or Office of voter's assistant abolished.
act and serve in the capacity of voter's assistant at any general or
special election hereafter to be held in this State, and the office of
voter's assistant, as now provided by law, is hereby abolished.
Provided, that any person who shall be physically unable to pre- Who may be assisted.
pare, stamp or fold his ballot by reason of such defective eyesight,
or the loss of the use of one or both hands, or inability to walk
with safety without assistance, as manifestly renders him unable to
prepare, stamp or fold his ballot, or to reach the polling place alone
with safety, shall be permitted to bring with him into the election
room and booth any elector (or two electors if the nature of the
disability manifestly requires more than one, such as a total disa-
bility to walk) of the polling district for the purpose of rendering
him the necessary assistance. In case any elector shall feign any Feigning physical defects, misdemeanor. Punishment.
of such physical defects he shall be guilty of a misdemeanor, and
upon conviction thereof by indictment shall be fined one hundred
dollars and shall be imprisoned for not more than two years.

SECTION 2. That all ballots hereafter to be printed under au- Printing of ballots.
thority of any law of this State for use at any general or special
election shall be so printed that no small square shall be placed
opposite the name of any person on any ballot, and any elector de-
siring to vote at any such election shall stamp his ballot in the Stamping ballot.
large square enclosing the device at the head of any ticket printed
on the official ballot, and may cross out the name of any person Changing ballot.

appearing on the said ticket under the square so stamped by him, and if he so desires, may insert in lieu of the name so crossed out the name of any other person nominated for the same office as the person whose name is crossed out, using only a black lead pencil for such purpose. And it is hereby expressly provided that if in lieu of the name of any person so crossed out the name of any person not nominated for the office for which he is thus voted and whose name is not printed on said ballot, the ballot containing such name shall be treated as and is hereby declared to be a marked ballot and void and shall not be counted.

Marked ballot:

Challengers
powers of peace
officers.

Not to enter
polling places.
Resisting
challengers,
misdemeanor.

In Wilmington
challengers shall
act as clerks of
election.

Oath.

How appointed.

SECTION 3. That the challengers of the Democratic and Republican parties, respectively, chosen for any general or special election hereafter to be held, shall be Peace Officers of the State with the same powers for preserving the peace as Inspectors of Election now have, and in the election districts outside the City of Wilmington the challengers shall be stationed outside the entrance to the polling room, and shall not be allowed inside of said room. Any person resisting such challenger or challengers shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not more than one hundred dollars and may, at the discretion of the court, be imprisoned for a term not exceeding one year; and in the City of Wilmington the said challengers shall act as Clerks of Election and perform all the duties now incumbent upon the Clerks of Election, and before entering upon such duties shall be sworn as Clerks of Election are now required to be sworn to perform their duties as Clerks of Election, and receive compensation as such. Such Clerks of Election and challengers in the City of Wilmington shall be appointed by the respective County Committees of the Democratic and Republican parties, and the challengers in the election districts outside of the City of Wilmington shall be selected and named by the County Committees of the said parties.

Judges, how
selected.

SECTION 4. The County Committees of the Democratic and Republican parties in each county shall name and select each a Judge of Election for each election district outside of the City of Wilmington, who shall be appointed and qualified at the time and perform the duties as now provided by law of Judges of Election in the districts for which they are chosen respectively.

Words defined.

SECTION 5. That wherever in the laws of this State relating to general or special elections the words "principal political parties" now occur, or words equivalent thereto or so designating

parties shall be used, the same shall be taken to designate and are hereby declared to designate the Democratic party and the Republican party.

SECTION 6. That the Democratic and Republican County Committees may each select and designate one suitable, reputable and sober person as a special officer to stand at the entrance of the polling place, to be not less than thirty feet away from the entrance to the voting room as now provided by law, to regulate the admission of persons to the polling place, and while so stationed and performing their duties as herein provided, the persons so designated shall be clothed with all the powers of officers of the peace as those now given by law to inspectors of election, and any person resisting such special officer shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not more than one hundred dollars and may, at the discretion of the Court, be imprisoned for a term not exceeding one year.

SECTION 7. Before the hour of opening the polls on the day of election and at the time of opening the election and afterwards at any time during the day of the election and before the hour of closing the election, if any person or persons shall enter the voting room or attempt to enter the same for the purpose of interfering with the election officers in the discharge of their duties as such or for any purpose, or shall attempt to molest, disturb or prevent the election officers from proceeding regularly with any general or special election, or shall take charge of or attempt to take charge of any voting room within in the time herein mentioned for the purpose of preventing or delaying an election or for any other purpose on election day, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three nor more than five hundred dollars, and shall be imprisoned for a term not exceeding three years, *provided*, that a single representative of each political party, having nominated a ticket, and such party being represented on the ballot then printed for any general or special election, may at the opening of the election be present to aid in the proper qualification of the several election officers, and to see that the ballot boxes, tickets, blanks, etc., are all in proper condition; but as soon as the election officers shall be qualified and ready to open the elections, the proper hour therefor having arrived, such representatives of each political party shall immediately retire from the election room; *provided, further*, that such persons may first vote before retiring if they shall so desire.

Clerks of peace
to have ballots
folded.

SECTION 8. That in addition to the duties now required of the clerk of the peace in said county relative to the printing and delivering of the ballots, each of said clerks of the peace shall, before delivering said ballots to the several inspectors of his county as now required by law, cause said ballots to be folded in one uniform manner in his county, in convenient form to be deposited in the ballot boxes, and so folded that no part of the face of the ballot shall be exposed.

Initials of clerks
of election on
back of ballots.

Folding ballot
by voter.

SECTION 9. That the clerks of the elections shall write their initials in ink across the back of the ballot as folded, and near the middle thereof, in lieu of the manner in which they have heretofore been required to do; and the voter before leaving the booth or compartment shall fold his ballot as near as he can in the same manner in which it was handed to him; but failing to do this he must fold it so that no part of the face thereof shall be exposed and so that the initials of the clerks of the election shall be exposed.

Voter's assistant
disclosing nature
of vote.

Misdemeanor.
Punishment.

SECTION 10. In case any elector who may be selected to assist any person by reason of the physical defects hereinabove mentioned shall reveal how such elector has voted or what person or persons were voted for by him on any ballot or give any information concerning the appearance of any ballot voted, such elector or electors so offending shall be guilty of a misdemeanor and upon conviction thereof by indictment shall be fined one hundred dollars and shall be imprisoned not less than one nor more than three years.

Officer of elec-
tion committing
unlawful act.

Misdemeanor.
Punishment.

SECTION 11. That if any inspector of election, judge of election, clerk of election or challenger, shall in any way or manner or by any means or device whatsoever make known or communicate by any means whatsoever or shall attempt to make known or communicate by any means whatsoever, to any person or persons on election day while the election is in progress, or at any time thereafter, how any elector has or shall have voted, he shall be guilty of a misdemeanor and upon conviction thereof he shall be fined not less than one hundred dollars and may, in the discretion of the court, be imprisoned for a term not exceeding one year.

Secreting one's
self in election
room.

Misdemeanor.

SECTION 12. That if any person other than the election officers shall secrete or attempt to secrete himself in any part of the polling room during the hours of the election for any purpose whatsoever, he shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less than one hundred dollars,

and may in the discretion of the court be imprisoned for a term ~~Punishment.~~
not exceeding one year.

SECTION 13. If any Clerk of the Peace, Inspector of Elec- ^{Any violation}
tion, Judge of Election, Clerk of Election or challenger, shall will- ^{of this act.}
fully violate any of the provisions of this act in the performance of
any duty herein imposed upon him for the violation of which no
other punishment is now provided by law, he shall be deemed
guilty of a misdemeanor and upon conviction thereof he shall be ^{Misdemeanor.}
fined not less (than *) three nor more than five hundred dollars ^{Punishment.}
and may in the discretion of the court be imprisoned for a term not
exceeding two years.

SECTION 14. That all acts or parts of acts inconsistent with this
act are hereby repealed.

Passed at Dover, May 20, 1897.

CHAPTER 39. VOLUME 21.

AN ACT to enable the qualified voters in the military or naval service of this State or of the United States to exercise the rights of suffrage.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Voters engaged
in military or
naval service of
U. S.

Right to vote.

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Poll for receiving
votes.

Hours of voting.

Election and
appointment of
election officers.

SECTION 1. That whenever any of the qualified voters of this State shall be engaged in the military or naval service of this State or of the United States, and as such absent from the hundred, election district or ward of their residence on the days appointed by law for holding county, State, Congressional or Presidential elections within this State, or on the days appointed in writs of election issued by the presiding officer of either house of the General Assembly or the Governor for holding special elections to fill vacancies, such qualified voters shall be entitled at such time to exercise the right of suffrage as fully as if they were present at their usual places of election, notwithstanding any provisions to the contrary in any act or acts now in force.

SECTION 2. A poll shall be opened in each company at the quarters of the captain or other commanding officer thereof, and all electors belonging to such company who shall be within two miles of such quarters on the day of the election, shall vote at such poll, and at no other place ; officers other than those of a company, and other voters detached and absent from their companies on duties which will not permit them to return to their companies, may vote at such of the said polls as may be most convenient to him.

SECTION 3. The polls shall be open at ten o'clock in the morning and close at five o'clock in the afternoon.

SECTION 4. At ten o'clock in the morning on the day of election the voters present at each of the polling places aforesaid, shall elect *viva voce* three persons present at the time, and having the qualifications of electors in this State for the judges of said election ; and the judges so elected shall then appoint two of the remaining qualified electors present to act as clerks of said election.

SECTION 5. Before any votes shall be received said Judges and Clerks shall each make the oath or affirmation required by the election laws of this State to be taken by persons serving in the capacity of election officers, which oath or affirmation any of the Clerks or Judges herein provided for may administer to each other, and said oath or affirmation shall be in writing signed by said Judges and clerks taking the same and shall be returned to the proper officer of this State with the ballots and other papers of the election returns. Oath of officers.

SECTION 6. All elections shall be by ballot and the Judges of election may, and upon challenge of any voter shall examine under oath such voter (which oath any of the Judges may administer) in respect to his right and his qualifications to vote in the particular hundred, election district of this State in which he claims residence. Ballot. Challenge.

SECTION 7. At each polling place three poll lists shall be kept, one for each county in this State, and plainly labeled as such at the top of the list. The two Clerks shall keep duplicate lists, when a vote is deposited in the ballot box, the name of the first voter shall be entered on the list of the county in which he claims his residence, and in front of such name shall be placed number one and the second person whose vote is taken as of that county, shall have his name so entered and numbered two; and so on the poll lists for each county shall be kept. And in addition thereto the name of the hundred or election district in which the voter claims his residence, and the name and number of the company and regiment to which he belongs shall be entered opposite his name. Poll list. Entries.

As soon as the ballot of the voter has been deposited in the ballot box, the Clerks shall check his name off the list of voters.

SECTION 8. The Judge to whom the voter shall give his ballot, shall pronounce the name of the voter in a clear and distinct voice and if the Clerks shall find his name on the authorized list of Registered Voters, and no objection shall be made to his voting, the Judge shall deposit his ticket in the ballot box. If any objection is raised to the right of the party to vote, the Judge shall determine the matter by the same authority but under the same restrictions as other Judges of election sitting in the State. Duty of election officers.

SECTION 9. At the close of the polls, the poll lists of each county shall be counted and the number of names of voters thereon written in words at the foot of the lists, and the lists shall be signed Counting of votes. Signing list, etc.

by the Judges and Clerks under oath or affirmation declaring them to be true and correct lists of those from whom they have accepted ballots, and any blank spaces on such lists between the names of the voters and the election officers shall be checked through in ink.

Separation
of ballots.

Count.

Envelopes.
Certificate.

Securing ballots
in envelopes.

Collection of,

Locked Pouch.

Collection and
conveying of
returns.

SECTION 10. After the poll lists are signed the ballot boxes shall be opened, the ballots taken out one at a time, and merely separated into three lots according to the county into which they are to be counted. A count shall be kept of the number of ballots for each county (without making any count of the candidates voted for). The ballots when so separated and counted shall be placed in heavy envelopes, specially prepared for the purpose. The Judges shall then certify under oath or affirmation as to the number of votes returned by them for the respective counties of the State, this certificate together with the lists of those who voted, as kept by the Clerks, shall be placed in such envelopes. The envelopes shall be marked plainly in the name of the prothonotary of the proper county; it shall be sealed and held by them jointly until collected by the persons assigned by the Governor of this State, as Election Messenger, to go upon the field and collect these returns which shall be deposited by them in a lock pouch, which shall be locked with two locks having different keys and one key shall be kept in the possession of a representative of one political party and the other key shall be kept in the possession of a representative of another political party. These persons so designated by the Governor to collect these election returns, shall have three pouches, in one shall be placed the returns for each county. As soon as they have gathered the election returns they shall lock the pouches and shall take them jointly with the greatest speed to the Prothonotary of the county to which they belong; notifying the Prothonotary in advance upon what train to expect the returns if they are to be brought in by train.

Delivery to
Board of Canvass

SECTION 11. The prothonotary of the county receiving the returns shall keep them as othe election returns of the State received by him, and shall deliver them to be counted by the Board of Canvass which shall open the ballots and count them as other election returns made from voting precincts within the State.

Appointment of
persons to visit
camps with
ballots, etc.

SECTION 12. The Governor shall at a suitable time in advance of the election designate two persons who shall be members of different political parties, whose duties it shall be to visit any encampment contemplated in this Act, (and where there is more

than one such encampment, the Governor shall designate two such persons for each encampment, whose duty it shall be to take ballots to such encampments to be delivered at each voting place, together with copies of the registration lists of the counties of this State, and other forms, blank forms, papers of information and paraphernalia necessary to be had at a place of election. The parties so appointed shall at the close of the polls collect under seal the votes, certificates and poll lists so designated above and return them to this State as above designated. To collect votes.

SECTION 13. The ballots used at the polls herein provided for shall be the style of ballot used in this State just prior to the adoption of the Australian ballot system. They shall be uniform as to size and color of paper. Printed lists of all the officers nominated by the different political parties throughout the State shall be furnished to be posted at each polling place for the convenience of the voters. Style of ballot used. List of nominees.

SECTION 14. The registration officers of this State shall keep during the registration of voters, separate lists of all those whose names that have been registered by them as returned for registering by the Auxiliary Registrar provided under the laws of this State, for the registering of citizens in the military or naval service of this State, or of the United States. Copies of such lists shall be furnished the Clerk of the Peace of the county and he shall have a composite list of all such names made and furnished to the election officers at the polls provided for in this act. He shall also furnish them complete lists of the registrations of the county in order that the name of any soldier may be found who enlisted since having registered as a voter. Registrative officers to keep separate list of names returned by Auxiliary Registrar. Clerk of Peace to furnish copies, etc.

SECTION 15. The persons to be appointed by the Governor in Section 12 of this act, shall be commissioned by him as Election Messenger and shall take their commission with them as evidences of authority when their authority is questioned. They shall be sworn and shall qualify as other election officers. Election messenger. Oath, etc.

SECTION 16. If any person shall at the elections herein provided for violate the election laws of this State by voting or attempting to vote more than once at any election, falsifying the count or returns in any manner, they shall upon conviction be disfranchised for a period of ten years from the date of such conviction. Violation of election laws. Penalty.

Compensation
of messenger.

SECTION 17. The election messenger herein provided for shall be paid a per diem equivalent to that paid to a judge of election and shall be allowed and paid by the State Treasurer such sum for traveling expenses allowed them and approved by the State Auditor upon vouchers of necessary expenditures submitted by them.

Double ballots.

SECTION 18. When two or more ballots are found folded or rolled together they shall be adjudged fraudulent and not returned. The election officers shall note, in their returns, the number of rolls or folds of ballots so thrown out as fraudulent, in order to account for any discrepancy between the number of voters reported by them and the number of ballots returned by them.

SECTION 19. All acts or part of acts inconsistent with this act are hereby repealed.

Approved June 25, 1898.

OTHER LAWS

Concerning Elections.

CHAPTER 16, REVISED CODE.

Amended, Chapter 26, Volume 17.
Place of voting.

SECTION 1. At all elections for State or county officers, the electors shall vote within the hundreds, wards, precincts, or election districts in which they shall respectively have resided at least fifteen * days immediately prior to the time of voting, and not elsewhere.

Plurality elects.

SECTION 2. In all elections, unless it is otherwise expressly provided, a plurality, or the highest number of votes, shall make a choice, except where this principle is defeated by two persons having the same number of votes for the same office.

Residence;
rule as to.

SECTION 3. In all questions of residence, arising under the provisions of the fourth article of the amended Constitution, the following rule shall be observed; that if any person, having resided within the State shall actually remove to another place out of the State, with an intention of remaining there for an indefinite time, as a place of present domicile, he shall lose his qualification of residence within the State, notwithstanding he may entertain a floating intention to return at some future period. The same principle shall be applied to removals from one place to another within the State.

Double votes.

SECTION 4. In reading out the ballots at any election, a double vote, that is to say, two or more ballots voted together by the same person shall not be counted or tallied, but both of the ballots, comprising such double vote shall be rejected.

* See Section 2, Article V of Constitution.

SECTION 5. If in reading out the ballots at any election, a ballot shall be found to contain the names of more persons voted for, for any office, than by law ought to be voted for, for such office, such part of the ballot shall be rejected and the residue shall be read.

SECTION 6. The presiding officer of an election shall, from the opening of the same until all the duties and proceedings connected therewith are fully completed, have power to command the peace, and to require sureties of the peace from any person disturbing the election or the officers thereof in the performance of their duties, and to commit to prison for refusal or neglect to find such surety; and all officers and other persons, are required to obey the lawful commands of such presiding officer in this behalf, and in default thereof, such officer, or other person, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of fifty dollars.

SECTION 7. Every justice of the peace * * * * shall attend at the place of holding an election in the hundred in which he shall reside, from the opening until the close of such election; and every constable shall attend at the place of holding an election in his hundred, and shall there continue from the opening of such election until all the votes cast thereat shall be read and tallied, and the certificates of such election signed, and (if it be at a general election) the ballot box sealed.

* * * * *
and it shall be the duty of every justice of the peace and constable to take care that the peace be kept, and that the election be not interrupted or disturbed.

If any justice of the peace, * * * * or constable, shall refuse or neglect to perform the duties by this section enjoined upon him, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of one hundred dollars.

At elections held in Wilmington hundred, the mayor and alderman of the city of Wilmington shall perform the duties by this section enjoined upon justices of the peace, subject to the same penalty for default therein.

SECTION 8. If any inspector, collector, assessor, or other presiding officer, judge, or clerk of an election, or if a clerk of the peace, sheriff, coroner, prothonotary or other officer presiding at a board of canvass, shall neglect to perform any duty by the election laws of this State enjoined upon them respectively; or shall use

Forfeiture of
\$50 to \$500.

any falsehood, fraud or deceit, of be guilty of any corruption, or misbehavior, in performing any of the said duties; such officer, so offending, shall for every such offence, forfeit a sum, not less than fifty nor more than five hundred dollars, to any person who will sue for the same.

Proviso.

This section shall not extend to any offence or default against which any fine, forfeiture, or penalty is expressly provided by any other section of the chapter.

Penalty for
receiving
unlawful votes.
\$200 fine.

SECTION 9. If, at any election, the presiding officer, or a judge of the election, shall knowingly and willfully receive, or advise and consent to the receiving, of the vote of any person not entitled to vote at such election; or if such presiding officer, or judge, shall knowingly and willfully refuse to receive, or advise and concur in refusing to receive, the vote of any person entitled to vote at such election, every such presiding officer, or judge, shall for every such offence, forfeit and pay the sum of two hundred dollars to any person who will sue for the same; or such presiding officer, or judge, shall for every such offence, be deemed guilty of a misdemeanor, and shall be fined not less than fifty nor more than two hundred dollars. Both the aforesaid penalties shall not be incurred for the same offence; and a conviction upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding. But in all cases, an offender under this section, shall be further liable to be indicted, and punished, as in other cases, for willful and corrupt perjury in having violated his oath or affirmation as such presiding officer or judge.

\$50 to \$200
fine.

Proviso.

Perjury.

Destruction,
&c., of certi-
ficate of
election.
Penalty,
\$500 fine.

SECTION 10. If any presiding officer of an election, sheriff, or other person, shall willfully destroy, secrete, conceal, embezzle, or purloin, or in any manner counterfeit, alter, or vary, any certificate of election, either of a hundred, or of a county, or shall willfully do any act or thing whereby to prevent any such certificate from being duly produced, returned, or delivered, according to law; such presiding officer, sheriff, or other person, shall, for every such offence, be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of five hundred dollars.

Illegal
voting.

SECTION 11. If any person, not entitled to vote, shall vote, or offer to vote, at any election, or if any person shall vote or offer to vote, in a hundred in which he shall not at the time of such voting or offering to vote reside; or if any person, having voted

once, shall vote, or offer to vote, a second time at the same election, either in the same, or in an other hundred; or if any person shall fraudulently deliver, or offer, to the presiding officer of an election, more than a single ballot; every person, so offending, shall for every such offence, forfeit and pay the sum of one hundred dollars Penalty, \$100. to any person who will sue for the same; or the person so offending shall, for every such offence, forfeit and pay to the State a fine of not less than fifty dollars, nor more than five hundred dollars. Penalty, \$50 to \$500. Both the aforesaid penalties shall not be incurred for the same Proviso. offence, and a conviction upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding.

SECTION 12. If any person shall give, offer or promise, any Bribery. money, goods, chattels or other thing or matter, or release, or offer to release any debt, or obligation by way of bribe, gift, benefit, or reward, for the purpose or with the object of influencing any elector in giving his vote, or in refusing to vote, or in absenting himself from the polls at any election; or if any candidate for office at an election, shall, at such election, influence or attempt to influence, any elector, in giving or withholding his vote or in absenting himself from the polls by any of the means aforesaid, or by offering to serve in such office for nothing, or for a less allowance than that prescribed by law; every such person or candidate shall, for every such offense, forfeit and pay the sum of two hundred dollars, one- Penalty. half thereof to be for the use of the State, and the other half thereof for the person who will sue for the said penalty; and further, any person or candidate so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be imprisoned in the public jail of the county wherein such offence Imprisonment. may be committed for a term of not less than one and not more than nine months; and for the term of two years next after said conviction such person shall forfeit the right of an elector; and if Forfeiture. any candidate for office, so offending as aforesaid, shall be elected, his office shall, upon his conviction for such offence as aforesaid, be vacated, and he be rendered incapable of serving therein for the Disqualification. term for which he shall have been elected.

And if any person shall accept or receive any thing so given, offered or promised as above, with the intent, purpose and object in this section specified, such persons shall also be deemed guilty of Amended Vol. 17 Chap. 26, Accepting a bribe misdemeanor. a misdemeanor, and upon conviction thereof shall, for the period of four years from such conviction, forfeit all the rights and privileges of an elector, and in case of a second or subsequent conviction, for a like offence, shall forfeit all the rights and privileges of an elector Forfeiture.

for the period of eight years from the date of any such conviction, and shall also, during the period of such disfranchisement, be incompetent to serve as a juror. *Provided*, however that when any person, a party to such prohibited transactions, shall inform against the other party thereto, and shall give evidence against such other party upon a trial, the person so testifying shall not be indicted for that offence.

Proviso.
Informers not
indictable.

Betting.

SECTION 13. If any person, either before or pending an election, or during the reading and tallying of the votes cast at an election, shall, for himself, or for another or others, lay any wager or bet on the result of such election, or on the election or defeat of any candidate or person voted for at such election, every person so offending shall, for every such offence forfeit and pay to any person who will sue for the same, double the amount of such wager or bet, or double the value of the thing betted. The stakeholder shall, in all cases, be a competent witness to prove such illegal wager.

Penalty.

Witness.

On stakeholder.

SECTION 14. If any stakeholder, or person with whom any money or thing, so illegally betted, shall be deposited, shall at any time, either before or after such bet shall have been decided, pay over or deliver, to either or both the persons betting the same, or to any other person by the order or for the use of them, or either of them, the money or thing so illegally betted, every such stakeholder or depositary, shall be liable to the same forfeiture to which the person betting may be liable under the next foregoing section; either of the persons betting shall be competent witnesses against such stakeholder.

Witness.

Breaches of
the peace.

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Penalty,
\$20 to \$100.

SECTION 15. If any person shall, on the day of an election, or during the reading and tallying of the votes, at any place where such election is held, or within one mile thereof, commit an assault and battery; or if any person shall interrupt or disturb the election, or the officers thereof, or any of them, in the performance of any of their duties, either in receiving, reading or tallying the votes, or shall interrupt or disturb the Inspectors and Sheriff, or other presiding officer, when assembled as a board of canvass, in performing any of the duties of such board, every such person shall, for every such offence, be liable to be held to surety of the peace, and on failure to give such surety forthwith, to be committed to prison, and shall further forfeit and pay to the State a fine of not less than ten dollars nor more than one hundred dollars.

SECTION 16. If any person shall, on the day of an election, or on the day next before or after such day, make, set up, or have, any booth, stall, or other temporary convenience, for the purpose of selling any spirituous, vinous, malt, or other intoxicating liquors, or shall sell, or expose to sale, any spirituous, vinous, malt or other intoxicating liquors, at any place where such election shall be held, or within two miles thereof, or upon any highway, or road leading thereto; every such person shall, for every such offence, forfeit and pay to the State a fine of twenty dollars; and it shall be the duty of every justice of the peace or constable, residing in any hundred, to abate or remove any such booth, stall, or other temporary convenience, so set up or used in such hundred in the manner and for the purpose aforesaid, and to hold the person so having or using such booth, stall, or other temporary convenience, to surety of the peace, and in default of such surety being immediately given, to commit such person to prison; and every justice of the peace, or constable, shall have authority to command the assistance of any citizen or citizens, in the premises. No record need be made of the abating or removing of any booth, stall, or temporary convenience as aforesaid; but this section and the truth of the case may in any suit be given in evidence under the general issue, * *

* * * And no person licensed to sell liquor shall sell, give away, or dispense any intoxicating liquors on the day of any general, special, or municipal election within one mile of the place where the same is held, and such day shall be reckoned from the midnight before till the midnight after such election; and any person violating this provision, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, and, if holding a license under this act, shall forfeit the same in addition to such fine, and be incapable of receiving a license for the space of two years thereafter.

* * * * *

SECTION 22. If any officer or other person, shall call out or order any of the militia of this State to appear, exercise, or muster on the day of any election, or within ten days before any general election, or three days before any special election or election for assessor and inspector, or within three days after either of such elections, except in case of invasion or insurrection, every such officer or other person shall for every such (page 142) offence, forfeit and pay to the State a fine of one thousand dollars.

SECTION 23. In every suit, or action for a forfeiture, or

Stalls for sale
or liquor
unlawful.

Selling
liquor pro-
hibited.

Penalty
\$20 fine.
Duty of
officers.

Volume 14,
Chapter 418,
Section 14.
Unlawful to
sell intoxicating
liquors on the
day of election.

Misdemeanor.
Fine.

Forfeiture of
license.

Militia not
to be called
out.

Penalty, \$1,000.

Special bail
in suits for
penalties.

penalty, under the foregoing provisions (except in cases cognizable before a justice of the peace) special bail may be required of the defendant in double the sum of such forfeiture, or penalty, upon affidavit of the person suing, or of any credible person for him, setting forth the facts on the ground whereof such forfeiture or penalty shall have been incurred.

CHAPTER 487. VOLUME 12.

AN ACT Further to Protect the Free Exercise of the Elective Franchise.

Obstructions
and inter-
ference.

SECTION 1. That if any person who is a duly qualified elector of this State, according to the constitution and laws thereof, shall hereafter be prevented from voting or obstructed in his effort to vote at any election, by reason of any interference by any person or persons, or military power, or other power, exercising or attempting to exercise force, intimidation or threats, or requiring any qualifications or conditions unknown to such constitution and laws, he shall be deemed and taken to have suffered private damage and injury, and shall have civil remedy therefor in the courts of this State, by action of trespass, or on the case, according to the nature of the interference, against all and every person or persons who promoted such interference, whether by active participation or by advising counseling or in any wise encouraging the same, and in any trial under this act the jury, if in their opinion the circumstances will warrant it, may give exemplary damages.

Civil action
for damage.

Citizens to
make dis-
closures.

SECTION 2. That it shall be the duty of every citizen of this State who has knowledge of any design on the part of any other citizen or citizens of this State to promote interference with elections, either by soliciting or advising the presence of a military force at or near the place or places of holding such elections, or by the employment of any other organized or unorganized body of men, or by intimidation or threats forthwith to make public disclosure of such knowledge, stating names, by an affidavit to be made before any one of the Judges of this State, and file the same in the office of the Clerk of the Peace in the county where the Judges reside, and if any such citizen having such knowledge

shall fail to make such affidavit and cause the same to be filed as aforesaid he shall be treated as a promoter of the interference mentioned in the first section of this act, and be liable as therein provided.

SECTION 3. That the limitation of actions commenced under this act shall be ten years from the time of the accruing of the cause of action. Limitation.

CHAPTER 491, VOLUME 12.

An Act Further to Secure the Free Exercise of the Right to Vote at Elections.

SECTION 1. That if it shall so happen hereafter that by reason of the presence of any military force at or near the place of holding an election in this State, under the provisions of Chapter 18 of the Revised Code, electors duly qualified by the constitution and laws of this State to vote at said place at said election shall be prevented from, or interfered with, in casting their votes, by military force, or the requirement of oaths unknown to said constitution and laws, any number of electors, not less than five, shall have the right to withdraw from the said place to any other place within the voting district where such prevention or interference shall take place, and having there, by a majority of the electors present, selected a duly qualified elector of said district, who shall be a freeholder, to act as inspector, to deliver to him there their respective ballots; which said inspector shall receive the said ballots and record the name of the voter upon a list to be kept by him for that purpose, and immediately write upon each ballot the name of the person who delivered the same to him—the said inspector having first administrated to each person offering to vote on the ground of his being between the age of twenty-one and twenty-two years, an oath or affirmation in the following words, that is to say: “You Military interference.
do solemnly swear (or affirm) that you are of the age of twenty-one Electors shall have right to vote. How and where.
years, and not arrived at the age of twenty-two years, and that
“you at this time reside in this hundred, and that you have not Oath.

"voted, and will not vote on this day at any other place in this or any other hundred, and that you have resided in this county one month, and in this State one year next before this election;" and to every person offering to vote on the ground of having paid a tax and being otherwise qualified, according to the constitution, the following: "You do solemnly swear (or affirm) that you are of the age of twenty-two years, and that you at this time reside in this hundred, and that you have not voted, and will not vote on this day at any other place in this or any other hundred, and that you have resided in this county one month and in this State one year next before this election; and that you have within two years paid a county tax which was assessed at least six months before this election;" and also the further oath that he has been hindered or prevented from casting his vote at the regular place of holding the election, by military interference, or by the requirement of oaths unauthorized by the constitution and laws of this State.

Polls, where
held.

Return to
Board of
Canvass.

SECTION 2. That the polls authorized to be held by the preceding section shall be held at the place where they are opened, unless it be impracticable to hold them there, in which event they shall be adjourned to some other place, or places (if necessary), in the election district where they are opened, and there held, and shall be kept open until five o'clock in the afternoon, when the Inspector shall close them. As soon as such polls are closed the Inspector holding them, having first ascertained the number of ballots cast, and for whom and for what office the votes were given, and made a certificate thereof, shall seal up the ballots received by him in a box or envelope, and keep them safely, together with the list of the names of the electors who have deposited their ballots with him, until the time of the meeting of the Board of Canvass provided for by the chapter aforesaid, when he shall appear before the said board with the said ballots and list of voters and his certificate aforesaid, and deliver his said certificate to the said board, with an affidavit made by him upon the same that it contains a true and faithful statement of the number of ballots received by him as aforesaid, the names of the electors who cast them, the number of votes for the different persons voted for, and that at the said poll held by him he did not, knowingly, receive the ballot of any person not a duly qualified voter within his election district, according to the constitution and laws of the State of Delaware, nor did he refuse to receive the ballot of any person so qualified, and who had been prevented from voting at the regular place of voting by military force or the requirement of an oath unauthorized

by the constitution and laws of the State of Delaware; and that he determined every matter that came before him and performed every act and duty required of him by law touching the election held by him, truly, faithfully and impartially, according to the best of his skill and judgment.

SECTION 3. That it shall be the duty of the Board of Canvass ^{Duty of Board of Canvass.} to receive the said certificate, and in ascertaining and certifying the state of the election under the provisions of the chapter aforesaid, to take into consideration the number of ballots certified by said Inspector to have been received by him and for whom and for what office the votes were given, and give said certificate the same force and effect, and it shall have the same force effect as a certificate of the election officers at any of the regular places of holding the election; and the votes given shall be reckoned among the number of votes given in the election district where they were received by the said Inspector in the same manner as if they had been given at the regular place of voting in said district: *Pro- Proviso. voided always, however,* That the said board shall be, and they are hereby required to hear and determine challenges of the right of any person who delivered his ballot to the said Inspector, and reject any ballot if the person who cast the same had not a right to vote under the constitution and laws of this State, either from want of qualification, or by reason of his having voted at any other place in the State where he was entitled to vote on the same day. Such of the said ballots, so received by the said Inspector, as are not rejected by the Board of Canvass, and also the list of voters, and the certificate aforesaid, shall be deposited by the said board in the regular ballot box of the election district where they were cast, and the said box shall then be immediately resealed by the presiding officer of the Board of Canvass. The said board shall also have power to examine, on oath, the said Inspector, touching any matter connected with the holding of the election by him, and shall have power, if it appear to them that the said election was not fairly held by any Inspector, to reject his said certificate, and throw out the vote returned by him as aforesaid.

SECTION 4. That if it shall be apparent to a Board of Canvass ^{Board of Canvass may choose place of meeting, in case of military interference.} that any interference with the performance of their duties under chapter 18 aforesaid and this act will be attempted by military force or, if after they have met, any such interference shall be attempted, they shall have power to meet at any other place within their county to perform their said duties. And further, if any member

of a Board of Canvass or any Inspector created by virtue of this act shall be prevented by reason of such interference from attending the meeting of the Board, or if the Board, being met, shall be prevented by such interference from performing the duties incumbent on them, it shall be the duty of the said Board to adjourn to meet at some other time and other place (if necessary) to perform their duties under the laws of this State, and so to adjourn from time to time until such duties can be performed. The duty of attendance upon said Board on the part of an Inspector created by authority of this act and the penalties upon him for not appearing shall be the same as in the case of the Inspectors regularly elected according to law, but no such Inspector shall be a member of the Board of Canvass.

Number of
polls not
limited to
two in each
district.

SECTION 5. That nothing herein contained shall limit the voting places to two in an election district, but the emergency contemplated above arising, as many different polls may be held as there are number of voters of five or more, who under the circumstances aforesaid withdraw from the regular place of holding the election for the purpose of casting their ballots without intimidation or interference.

Clerk.

Oath.

SECTION 6. That each Inspector created by authority of this act shall have power to appoint a Clerk to aid him in the discharge of such duties as are clerical, and shall administer to him before he enters upon the discharge of the duties to be assigned to him an oath or affirmation in these words: "You do solemnly swear (or affirm) that as Clerk of this election you will not use nor assent to any falsehood, fraud or deceit, and that you will keep the polls and perform all your duties truly, faithfully and impartially, so help you God (or so you solemnly affirm)." The Inspectors and Clerks shall receive the same compensation as Inspectors and Clerks elected and appointed under the present election law.

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CHAPTER 575. VOLUME 19.

AN ACT Concerning Bribery.

SECTION 1. That if any person shall bribe or attempt to bribe any one holding or expecting to hold any official position under the election or registration laws of this State, either as Register, Judge, Inspector Voter's Assistant or otherwise, by giving money or the promise of money, office or the promise of office or position, either under the State or Federal government, to perform any service for any political party in this State or to favor any candidate for political office [he] shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one thousand dollars, and may also, in the discretion of the Court, be imprisoned for a term not exceeding six months.

Bribing, or attempt to bribe; any election officer or expectant election officer a misdemeanor.

Penalty.

Passed at Dover, May 4, 1893.

CHAPTER 29. VOLUME 17.

AN ACT in Relation to the Election of Assessors and Inspectors.

Amended,
Volume 19,
Chapter 49,
Election of
Assessors.

Time and place
of holding
election.

Ballots.

SECTION 1. That hereafter the election of assessors for the several hundreds in the respective counties of this State, and assessors for the assessment districts in Wilmington hundred, shall be held by ballot biennially in the hundreds aforesaid, (excepting Wilmington hundred, which election for assessor shall be held quadrennially) on the Tuesday next after the first Monday in November, at the same time and in the same places as are now appointed by law for holding the general election, and the said assessors shall be voted for upon the same ballots voted for other officers elected at the general election aforesaid.

* * * * *

SECTION 2. * * * * *

Counting of
votes.

Tie.

The person having the highest number of voters for said offices, respectively, shall be chosen; but if two or more persons shall have an equal and at the same time the highest number of votes for either of said offices the Inspector shall give an additional casting vote.

SECTION 3. * * * * *

SECTION 4. * * * * *

SECTION 5. * * * * *

SECTION 6. * * * * *

SECTION 7. * * * * *

SECTION 8. * * * * *

SECTION 9. * * * * *

Passed at Dover, April 13, 1883.

CHAPTER 43. VOLUME 21.

AN ACT providing for the election of Assessors in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That at the general election to be held in the year ^{Election of Assessors for Kent county.} A. D., 1898 and every second year thereafter there shall be elected from each of the representative districts into which Kent County is divided by the constitution of this State, by the qualified voters thereof, one person to be assessor in and for such representative district.

SECTION 2. That the person so elected assessor shall be a resi- ^{Qualifications of assessors.} dent of the district for which he shall be elected; and shall at the time of his election have been a citizen and inhabitant of the State three years next preceeding the day of his election. And the last year of that term a resident of the district for which he shall be elected.

SECTION 3. * * * * *

Approved June 1st, A. D. 1898.

CHAPTER 394. VOLUME 20.

AN ACT in relation to the Appointment and Election of the Inspectors of Election in and for the State of Delaware, Exclusive of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Inspectors for
general election
in 1898 (Wil-
mington
excepted) ap-
pointed by
Governor.

SECTION 1. That the Governor of this State be and he is hereby authorized to appoint an Inspector for each and every election district in the State of Delaware, (exclusive of the City of Wilmington) to hold the general election for the year A. D. 1898.

Thereafter
to be
elected.

SECTION 2. That at the general election to be held in the year A. D. 1898, and at each and every general election thereafter, the election of Inspectors for the several election districts in the respective counties in this State (exclusive of the City of Wilmington) shall be held by ballot in the districts aforesaid on the Tuesday next after the first Monday in November at the same time and in the same place as are now appointed by law for holding the general election and the said Inspectors shall be voted for upon the same ballots voted for other officers elected at the election aforesaid.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 8, A. D. 1897.

CHAPTER 21. VOLUME 15.

Preceding Sections of this Chapter supplied. * *

SPECIAL ELECTION FOR GENERAL ASSEMBLY.

SECTION 37. Whenever a vacancy shall happen in either branch ^{Vacancies.} of the General Assembly, whether by the death, resignation or removal of a member, by a tie vote at the general election, or otherwise, the speaker of the house in which the vacancy happens (if the general Assembly be then sitting), or (if it be not sitting at the happening of such vacancy), the Governor shall immediately issue writs of election for filling such vacancy, directed to the Sheriff of ^{Writs of election.} the county in which such vacancy happens.

SECTION 38. If a writ of election to fill a vacancy in the Senate ^{When executed.} be issued after an adjournment, without day, of the General Assembly, and not less than ten days before the holding of the general election, the said writ shall be executed at the time of holding the next general election; the election to fill the vacancy pursuant to said writ being held by the same persons and in all respects as the general election, unless a session of the General Assembly shall, in the meantime, be convened by the Governor.

SECTION 39. If a vacancy shall happen in the House of Representatives after an adjournment without day, of the General Assembly, no writ of election shall be issued under Section 37, unless the Governor shall also issue a writ for convening the General Assembly. ^{Not to issue; when.}

SECTION 40. The Sheriff shall, on the next day after receiving ^{Notice by Sheriff.} a writ of election, unless the same shall be Sunday, and then on the Monday next following, put up on the outside of the Court House door of his county, and also in one of the most public places of each hundred of his county, a proclamation reciting the ^{Proclamation.} said writ and appointing a day for holding a special election pursuant thereto—such day not to be more than five nor less than four days next after the day of receiving the writ exclusive of that day; subject, however, to the provisions of the thirty-eighth section in cases falling within that section.

Notice to
inspector.

SECTION 41. The Sheriff shall also, upon receiving a writ of election, deliver a written notice thereof, and of the day appointed for holding an election pursuant thereto, to the Inspector of each hundred of his county who served at the preceding general election; or if such Inspector of any hundred be dead, removed or unable to serve, then to the Assessor of such hundred; and the said Sheriff shall, in such written notice require the Inspector or Assessor to produce the certificate of the election, to be held in his hundred, at the Court House of his county, on the day next after the day of holding the election by twelve o'clock noon.

Notice by
inspector.

SECTION 42. Every inspector or assessor receiving such notice as aforesaid, shall forthwith give public notice thereof by advertisements posted in at least five of the most public places of his hundred, stating the day and place of election and the officer or officers to be chosen.

Presiding
officer, who.

SECTION 43. The inspector of the hundred who shall have served at the next preceding general election, or in case of his death, removal, or inability, the assessor of the hundred, shall be the presiding officer for such special election; and if both inspector and assessor shall be absent from the place of election at the time for opening the same, the electors present shall choose a presiding officer, as above prescribed in the tenth section of this chapter for choosing a presiding officer at the general election.

Judges of
election.

SECTION 44. The presiding officer of such special election shall, before opening the same, take to his assistance, from among the qualified electors of the hundred, two persons to be judges of the election; who shall be subject to the same penalty for a refusal to serve, and shall, with the presiding officer, be qualified in like manner as is provided in case of the general election.

Place.

SECTION 45. Every special election shall be held in each hundred at the place appointed by law for holding the general election, and shall be opened, conducted and closed at the same time, and in the same manner, and under the same regulations as the general election.

Manner.

Board of
Canvass.
Amended,
Chapter 43^a,
Volume 17.
Sheriff pre-
sides.

SECTION 46. The inspectors of the several hundreds shall, on the day next after the day of holding a special election, at twelve of the clock, noon, meet at the court house of the county as a board of canvass. The sheriff of the county shall then and there attend

as the presiding officer of the said board; and in case of his absence, the coroner shall act; and in case of his absence, the prothonotary ^{Substitutes.} of the county shall act and in case of his absence a presiding officer shall be chosen by the inspectors present. The certificates of the ^{Result.} election in the several hundreds, shall be produced and the state of the election throughout the county shall be ascertained, and certificates thereof shall be made and returned, in the same manner and under the same regulations as provided for the general election; and the sheriff, or other presiding officer of the board of canvass, shall have the same power for compelling the attendance of inspectors and obtaining the certificates of election as in case of the general election.

CHAPTER 20. REVISED CODE.

Election of Electors of President and Vice President.

How chosen.

SECTION 1. The electors to be appointed in this State for the election of a President and Vice President of the United States, shall be chosen by ballot by the citizens of the State having right to vote for representatives in the General Assembly.

Election;
when held.
Amendment
Chapter 8,
Volume 11.
Where.

SECTION 2. For this purpose an election shall be held on the Tuesday next after the first Monday (in the month of November) of the year in which such electors are to be chosen, in the several counties of this State at the place in the hundreds respectively at which the general election in the same year is held; but if it be impracticable to hold the election at any such place, the Inspector shall appoint some other place and give notice thereof as prescribed in relation to the general election.

Proclamation.

SECTION 3. The Governor, in October next preceding every election to be held pursuant to this act, shall by proclamation make known the number of the electors to be chosen, and the day of said election.

Election, how
conducted.

SECTION 4. The election shall be conducted in the same manner and form and by the same persons and officers, and under the same regulations in all respects, as the general election for the same year.

How delivered.
Papers.

SECTION 5. See Section 6, Article V of Constitution and Chapter 38, Volume 21. * * * The lists of the polls, the lists of voters, and alphabetical lists shall be delivered by the several Inspectors to the Clerk of the Peace of the county, agreeably to Section 33 of Chapter 18.

Proclamation
of result.

SECTION 6. The Governor shall without delay examine the certificates and ascertain the electors chosen, and make known the same by proclamation, and cause notice of his election to be transmitted to each elector. He shall also cause three lists of the names of the electors, duly made and certified, to be delivered to the electors, according to the act of Congress in that behalf on or before the day appointed for their meeting.

Lists.

SECTION 7. If upon examining the aforesaid certificates it shall appear to the Governor that there has been a failure to choose one or more of the electors to be appointed in this State as aforesaid, or if from any cause electors shall fail to be chosen as hereinbefore prescribed, he shall immediately issue writs for convening the General Assembly, at Dover on the fourth Monday of the same November; and the elector or electors to be appointed in this State for the election of a President and Vice President of the United States and not chosen at the election held pursuant to the provisions of this chapter, shall be appointed by ballot by the General Assembly so convened in joint meeting of the Senate and House of Representatives.

No election.
Legislature convened.
To appoint.

SECTION 8. In such joint meeting there shall be a distinct balloting for each elector, and a majority of all the votes given shall be necessary to an appointment; but if upon any balloting two persons only shall be voted for, and each shall receive an equal number of votes, the Speaker of the Senate shall give an additional casting vote; if upon twice balloting in succession more than two persons be voted for, and one of said persons on each balloting receive one-half the number of all the votes given, the Speaker of the Senate may, on the second balloting, give an additional casting vote to the person having one-half of the number of all the votes given, or if he decline, the Speaker of the House of Representatives may, if he think proper, give an additional casting vote to the person having one-half of said vote.

Mode of choosing.
Tie.
Casting vote.
Controlling vote.

SECTION 9. No member of the General Assembly for the time being shall be appointed an elector of President and Vice President under the foregoing section.

Disqualification.

SECTION 10. Certificates of such appointment by the General Assembly shall be duly made and signed by the Speaker of the Senate and the Speaker of the House of Representatives, and attested by the clerks of said houses respectively, and shall be transmitted by the Speaker of the Senate as follows, to wit: One to the Governor, in order that lists may be made, certified and delivered, according to the act of Congress in that behalf, and one to each of the electors appointed.

Certificates, how made.
How delivered.

SECTION 11. The electors chosen or appointed in this State for the election of a President and Vice President of the United

Electors' meeting.

Voting. States shall meet and give their votes at Dover on the day determined by Congress for that purpose.

Substitutes. SECTION 12. In case of the death or inability to attend of either of the electors, or if either of the electors be not present at the said time and place of meeting by twelve of the clock, noon, of the said day, the electors present shall appoint an elector in the place of him so not present.

Clerk. SECTION 13. The electors may employ a clerk, who shall receive for his services the sum of ten dollars.

Pay. SECTION 14. The electors respectively shall receive for attendance and travel the same compensation as members of the General Assembly, to be paid, as also the compensation of the clerk, by the State Treasurer, on a warrant signed by the electors, out of any money in the treasury not otherwise appropriated.

Orders.

CHAPTER 21. REVISED CODE.

Election of Representatives in Congress.

SECTION 1. An election for choosing a representative or representatives, as the case may be, for the people of this State in the Congress of the United States, shall be held on the (Tuesday next after the first Monday) of November, in the year in which the general election is held, in the several counties in this State, at the same places at which the election for members of the General Assembly of this State shall, for the time then being be held, in said counties respectively.

Time of election.
Amendment
Chapter 262,
Section 2,
Volume 11.

Places.

SECTION 2. Such election for representative or representatives in Congress, shall be conducted in the same manner and form, by the same persons and officers, and under the same regulations in all respects, as the election for members of the General Assembly; and the votes given in each county for representative or representatives in Congress, shall be calculated and ascertained at the same time and place, in the same manner and by and under the same means and regulations as those for members of the General Assembly.

How conducted.

SECTION 3. Returns shall be made to the Governor as the law directs; and the Governor shall, without delay, examine the returns, and declare the person or persons elected, and shall issue certificates of such election under his hand and the great seal of the State; one of which he shall transmit to the Secretary of State of the United States, and one to the person elected, or if more than one, to each of them; the returns shall be filed in the office of the Secretary of State; and the Governor shall, by proclamation, make public the state of the vote by causing the same to be published in one or more of the public newspapers of this State.

Returns.

Certificates.

How sent.

Filed.

Proclamation.

SPECIAL ELECTION.

SECTION 4. Whenever a vacancy shall happen by death, resignation or otherwise in the representation from this State in the House of Representatives of the United States an election shall be held to fill such vacancy on such day as the Governor shall ap-

Vacancies; how filled.

Where.

point in the several counties of this State at the same places which at the time shall be prescribed by law for holding the general election.

Writs of election.

SECTION 5. The Governor shall issue writs of election to the Sheriffs of the several counties, reciting the vacancy, and commanding each Sheriff to cause an election to be held in his county on the day in said writ mentioned, at the places by law prescribed for holding the general election in said county, for choosing a representative in place of him whose seat shall have so become vacant, which writ shall be delivered to each Sheriff at least seven days before the day therein appointed for holding the election.

Notice by Sheriffs.

SECTION 6. Each Sheriff shall, within ten days after receiving such writ, put up on the outside of the court-house door of his county, and also at one of the most public places in every hundred of his county, a proclamation reciting the said writ and requiring an election to be held pursuant thereto, and shall also deliver such a proclamation to the Inspector of each hundred in his county, who shall have served at the general election then next preceding, or in case of his death, removal or inability to serve to the Assessor of such hundred.

Notice by Inspectors, &c.

SECTION 7. Such Inspector or Assessor shall forthwith, after receiving such proclamation, give notice of the election by advertisement under his hand, posted in at least five of the most public places of his hundred.

Special elections, how held.

SECTION 8. A special election for Representative or Representatives in Congress shall be conducted in the same manner and form and by the same persons and officers, and under the same regulations in all respects as a special election to supply a vacancy in either house of the General Assembly, and the votes given in each county shall be calculated and ascertained at the same time and place and in like manner, and by the same method and regulations as in case of such special election.

Returns.

SECTION 9. Returns shall be made to the Governor, who shall declare the person elected, and grant certificates and issue proclamation as prescribed in the third section of this chapter.

SECTION 10. It shall be in the discretion of the Governor whether to appoint a day for holding such elections before the day of holding the general election next after the happening of such vacancy, and if the day of holding the general election shall be appointed then the election shall be held and conducted and all the proceedings touching the same had, according to the provisions of the first three sections of this chapter.

Governor's election as to time.

CHAPTER 23. REVISED CODE.

Of Contested Elections.

SECTION 1. Any person intending to contest the election or the eligibility of any one returned by the Board of Canvass as a member of either branch of the General Assembly from either of the counties of this State shall, at least twenty days before the meeting of the General Assembly, give written notice of such intention to the person whose seat he intends to contest, and within ten days after said notice shall deliver to him a written specification of the several grounds upon which it is intended to contest the said election or the eligibility of the person so returned as aforesaid, and if one of said grounds shall be that illegal votes were given at such election for the person so returned, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote.

Contesting seats in the Legislature.
Notice of.
Specifications.
Illegal votes.
Names.
Grounds

SECTION 2. The person returned as aforesaid shall, within fifteen days after receiving such notice, deliver to the person so contesting his seat a like specification of objections to the right of contestants to such seat.

Counter specifications.

SECTION 3. Every specification as aforesaid shall be verified by affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true, and that the voters specified as illegal voters were not entitled by law to vote at the election in question.

Affidavits.

Copies, how
delivered.

SECTION 4. Copies of said notice and specifications verified as aforesaid shall be delivered to the Speaker of the House having cognizance of the matter, the contestant to deliver his notice and specifications with his petition on the first day of the session, and the sitting member so to deliver a copy of his specifications to the said Speaker when he delivers them to the contestant.

Restrictions.

SECTION 5. In the trial of the case of contested election the parties shall be restricted to the grounds of objection in the specifications set forth, and shall not examine into the illegality of any votes other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

Costs.

SECTION 6. If the House having cognizance of the matter shall determine that the sitting member is not entitled to his seat, it may order that the costs incurred by such contested election be paid by the county from which such member shall have been returned as duly elected, and in that case provision for the payment of such costs shall be made by the Levy Court of the said county at its next session after the adjournment of the General Assembly.

In frivolous
cases.

SECTION 7. The said House in determining against the claim of the contestant may also decide that the proceeding on his part is frivolous and vexatious, and may order that he shall pay all the costs of the said contested election, but without such order the contestant shall not be liable to costs, and the same shall be paid by the State as heretofore in like cases.

Costs of
contest.

Execution for
costs.

SECTION 8. Any order for the payment of costs by the contestant shall be enforced by a writ issued by the Speaker of the House in which such election was contested to the Sheriff of Kent county, directing him to levy and make the amount thereof of the goods and chattels, lands and tenements of the said petitioner, under which writ the said Sheriff shall sell the same or such part thereof as may be necessary to satisfy said writ, upon fifteen days' notice, posted as required in cases of sale on execution process, and shall pay over the amount by him received upon said writ to the State Treasurer, for the purpose of reimbursing to the treasury the sums drawn therefrom to pay the costs of said contested election.

CHAPTER 33. VOLUME 17.

AN ACT in relation to contested elections other than for members of the General Assembly and Governor.

SECTION 1. Any person claiming to be elected to an office to be exercised in and for any country or hundred may contest the right of any person declared to be duly elected to such office for any of the following causes, to wit: 1st. For malconduct on the part of the officers or judges holding the election, or any one of them; 2d. When the person whose right to the office is contested was not at the time of the election eligible to such office; 3d. Were the person whose right is contested has given to any elector or inspector, judge or clerk of the election, any bribe or reward, or shall have offered any bribe or reward for the purpose of procuring his election; 4th. On account of illegal votes.

SECTION 2. No inequality or improper conduct in the proceedings of the officers or judges aforesaid, or any one of them, shall be construed to amount to such mal-conduct as to annul or set aside any election, unless the inequality or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he has not received the highest number of legal votes cast at said election.

SECTION 3. * * * * * Chap. 572, vol 19.

SECTION 4. Nothing in the fourth ground or cause of contest specified in the first section of this act shall be so construed as to authorize an election to be set aside or annulled on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested which, taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

SECTION 5. In cases arising under the second and third causes of contest, specified in section of this act, a proceeding may be instituted under this act against such person by the person who

received the next highest number of votes for the office at the election under which such ineligible persons was declared elected, notwithstanding the person so contesting the election does not claim to have been elected.

Written statement to be filled by contestant. what to contain.

Chap. 572, vol. 19

Statement upon which contest is based to be filed with prothonotary sixty days before sitting of the court.

What the statement so filed shall set forth.

Causes to be explicitly stated in the following several instances

SECTION 6. When any person authorized to do so under this act shall desire to contest the right of any person declared duly elected to such office, he shall, within twenty days after the result of the election shall have been officially ascertained by the board of canvass, or officers legally authorized to ascertain the same, [and at least sixty days before the first day of the term of court at which said contest shall be tried or called for trial, file with the prothonotary of the Superior Court of this State in and for the county in which said contest is made a full, particular and explicit statement, setting forth fully and specifically the names of any and all officers and judges upon the malconduct of whom he will rely and respecting which he intends to procure evidence, and setting forth the precincts or election districts of such officers and the particular mal-conduct of each respectively, the names and residences of the witnesses and the substance of their testimony by whom he expects to prove such mal-conduct; and if such contest shall be based upon the second ground, as set forth in Section 1, such statement shall specifically, full and explicitly state the grounds and causes of the ineligibility of the person whose right to the office is contested; and when such contests shall be made for causes comprised within the third item of said Section 1 the said statement shall explicitly, fully and clearly state the name of any elector, inspector, judge, clerk or other person to whom any bribe or reward shall have been offered; and the time, place and amount of such bribe or reward, and the name and residence of the witnesses by whom the contestant expects to prove the offering of any bribe or reward, with a brief statement of their testimony. And when the ground of the contest shall be on the ground of illegal votes, such statement shall specifically, fully and explicitly set forth the names, residences and respective causes of disqualification of each person alleged to have illegally voted, the polls at which such illegal vote has been received, the names of the election officers favoring the acceptance of such vote, whether such vote was challenged by the duly accredited challenger of the party of which the contestant was the candidate, and whether all the judges or inspectors present at such polls concurred in accepting and receiving such vote; and if it shall appear that all of such judges or inspectors concurred in accepting or receiving such vote, or that the right of the voters respectively to deposit such votes was not at the time challenged by

the duly accredited challenger of the party of which the contestant was a candidate, the legality or illegality of such vote shall not be brought into question in any such contest; and the said statement shall further set forth the names and residences of the witnesses who will be produced on behalf of the contestant to prove such illegal votes and the substance of the testimony to be given by each; and at the trial of any contest, cause or proceeding to be instituted or continued, or which has been instituted or will be continued under the provision of this act or of the act to which this act is an amendment, the contestant or plaintiff shall be limited in his proof and in the admission of evidence to the witnesses named in said statement, and the witnesses shall be limited in their testimony to the facts set forth in the statement filed and delivered as aforesaid with respect to which it shall be therein alleged that they will be expected to testify; said statement shall be verified by the oath of the contestant that the matters therein set forth are so far as they relate to his own act and deed and that what relates to the act and deed of any other person he believes to be true.]

Names and residences of witnesses to be set forth, together with the substance of the testimony to be given by each.

Contestant to be limited to witnesses named in his statement filed.

Witnesses limited in their testimony.

Statement shall be verified by oath of contestant.

SECTION 7. * * * * * Chap. 572, vol. 19.

SECTION 8. * * * * * Chap. 572, vol. 19.

SECTION 9. Before such statement being filed as aforesaid, it shall be the duty of the said Prothonotary to docket the said case in the Appearance Docket (and immediately issue a citation for the person whose right to office is contested to appear on the first day of the second term of the said court to make such defense as he may have in said case, which citation shall be delivered to the Sheriff, or, if he be a party to the contest, to the Coroner) of the county, and be served by him upon the party defendant in person, or, if he cannot be found, by leaving a copy thereof at the house where he last resided, at least five days before the day to which such citation is returnable. The original citation shall be returned to said Prothonotary on or before the first day of the next term of said court after it is issued, and the manner of service shall be endorsed thereon and signed by the officer serving the same.

Duty of Prothonotary.

Chap. 572, vol. 19.

Citation for defendant, to whom issued.

Notice. How served.

Return.

SECTION 10. The Court may dismiss the proceedings if the statement of the cause or causes of contest do not conform to this act, or for want of prosecution. If said proceedings are not so dismissed the case shall proceed upon its merits and be tried and determined by the Court by the rules of law and evidence govern-

Court may dismiss.

ing the determination of questions of law and facts in the courts of law in this State, so far as the same are applicable. * * *

Costs. SECTION 11 The costs in all cases of contest under this act shall be awarded to the various parties entitled thereto, in the same manner and as near as can be to the same amount as for like services in other cases tried in said court.

**Trial by Court.
Exception.** SECTION 12. All cases of contest under this act shall be fully heard and determined by the court, without the aid or intervention of a jury, *unless* one or both of the parties to the contest shall claim a trial by jury, and the court shall, in their judgment, determine that it is a case which, under the Constitution and laws of the State, the party or parties are entitled to a trial by jury. In such case a jury shall be empaneled and the cause proceed according to the rules and practice of the court in jury trials.

Jurisdiction. SECTION 13. In the trial of any contested election under this act, the court shall have full authority to make an examination of the ballots given in such election, [except that whenever the ballot boxes, ballots, poll lists, tally sheet, or other books or records, pertaining to any election, excepting the certificate of election of the officer against whom the contest may be made, duly signed by the sheriff or presiding officer of the board of canvass and the Inspectors present, and filed according to law, shall have come in any way, legally or illegally, into the possession, care or custody of any person, officially or otherwise who shall have been a candidate and voted for upon the same official ballot as a candidate of the same political party as the contestant, no such ballot boxes, poll lists, tally sheets, or other books or records pertaining to the said election, excepting the certificate of election as aforesaid, shall be offered in evidence in any contest begun or prosecuted under the provisions hereof] and may make and enforce by attachment all necessary orders to obtain possession of the same, and after hearing the allegations and proofs in the cause, shall render judgment [in accordance with the verdict of the jury, if a jury shall have tried said cause], either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested duly elected.

Election. SECTION 14. If it appear by the judgment of the court or the verdict of the jury [if there be a jury], that any other person than the one whose election is contested received the highest number of

Chap. 572, vol. 19
When ballot
boxes, ballots,
poll lists, and
tally sheets may
be offered in
evidence.

legal votes, judgment should be rendered declaring such person
duly elected; * * * * *

Chap. 572, vol. 19

SECTION 15. When the person whose election is contested is proved to be ineligible to the office, judgment shall be rendered declaring the election void and the office vacant, and such proceedings shall then be had as in vacancies happening from any other cause. When it shall appear that two persons have received an equal number of legal votes for the same office, the provisions of law heretofore in force for the settlement of such cases shall prevail, if there be any such provision; if there be none, then the said office shall be adjudged and declared vacant, and such proceedings shall then be had as in vacancies happening from any other cause.

When election
is void.

Vacancies;
how filled.

SECTION 16. Judgment for costs shall be rendered in all cases against the unsuccessful party to the contest, and execution may issue against him for the same.

Execution for
costs.

SECTION 17. Any person contesting any election under the provisions of this act, shall be required to give security for costs in such amount and manner as the court shall order. Such security, however, shall in no case be enforced unless judgment for costs be rendered against the contestant.

Contestant to
give security
for costs.

[SECTION 18. Provided, however, that this act shall not be construed to prevent a further prosecution of any contest now pending under the provisions of the act hereby amended if advantage shall be taken of the provisions of this act and the statement required by Section 1 shall be filed and delivered as therein provided by the contestant in any case within ten days after the passage of this act.]

Proviso, con-
cerning contests
now pending.

Passed at Dover, March 14, 1883.

CHAPTER 22, VOLUME 18.

AN ACT Concerning the Appointment of Electors of President and Vice President.

Notice of contest
of election of
electors shall be
given within
ten days.

Shall deliver
within five days
written specifica-
tions of grounds.

What set forth.
Hundred, elec-
tion district or
precinct, shall
be stated.

Person whose
seat is contested
shall within ten
days deliver to
person contesting
and Governor
his objection.

Specification
shall be verified
by affidavit.

Specification
verified to be
delivered to
canvassing board

SECTION 1. Any person intending to contest the election of any one declared by the Governor to have been chosen an elector of President and Vice President of the United States shall, within ten days after such declaration by proclamation of the Governor, give written notice of such intention to the person whose election he intends to contest and also to the Governor; and within five days after the delivery of said notice shall deliver to the person whose election he contests and to the Governor written specification of the grounds upon which it is intended to contest the said election of the person so declared to have been elected as aforesaid; and if one of the grounds shall be that illegal votes were given at such election for the person declared to have been elected, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote; and shall also distinctly set forth and state the hundred and election district or precinct at which the alleged illegal vote was cast.

SECTION 2. The person declared to have been elected as aforesaid and who has received notice of contest as aforesaid, shall, within ten days after receiving specification of the grounds of contest, deliver to the person so contesting his election, and to the Governor, a like specification of objection to the right of the contestant to be declared an elector; and in such specification may also state any other ground upon which he rests the validity of his election.

SECTION 3. Every specification as aforesaid shall be verified by the affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true; and that the voters specified as illegal voters were not entitled by law to vote at the election in question.

SECTION 4. The notice and specification verified as aforesaid, which shall have been delivered to the Governor, shall be by him

delivered to the Canvassing Board, hereinafter created, together with the certificates of the votes given for each person voted for for elector as returned to him by the respective Boards of Canvass under the election laws of this State, on the first day of the assembling of the Canvassing Board herein created.

SECTION 5. In the trial of the case of a contested election the parties shall be restricted to the grounds of objections in the specifications set forth; and the statements of the other grounds upon which the person declared to have been elected rests the validity of his election; and shall not examine into the illegality of any other voter other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

Parties shall be restricted to ground of objection in specifications.

The illegality of other votes shall not be inquired into.

SECTION 6. Where any contestant or person who has been declared elected, and whose election is contested, is desirous of obtaining testimony respecting a contested election, he may apply to the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, for a subpoena or subpoenas for summoning such witnesses as he may wish to appear before the board of canvass at such time as shall be in the subpoenas designated. Such subpoena shall be directed to the sheriff of the county in which the witness or witnesses reside, and shall be served in the same manner as subpoenas for witnesses in civil cases are served. The sheriff to whom a subpoena may be directed shall make return of his service thereon to the said board of canvass on the first day of its meeting to hear the contest.

Party declared elected or contestant may apply to the Prothonotary of Kent County for subpoenas.

Subpoenas to be directed to Sheriff of county where witnesses reside.

Sheriff shall make return.

SECTION 7. The Superior Court of the State of Delaware, in and for Kent County, is hereby created and declared to be a board of canvass to hear and determine all contests of elections of electors of President and Vice President, with power to regulate and determine the mode of procedure, and all other matter pertaining thereto as may be necessary in carrying out the provisions of this act and the act of Congress fixing the day of the meeting of electors, passed February 3, A. D. 1887; and it shall be the duty of the Governor, whenever a notice of contest is served upon him, immediately to make proclamation convening said Superior Court in special session at the Court house in Dover, on a day to be by him named, which shall not be later than the twentieth day of December next succeeding the day of the election in the year in which the election was held.

Superior Court of State of Delaware for Kent county created a Board of Canvass.

Duty of the Governor.

Duty of
Superior Court.

SECTION 8. The said Superior Court, after hearing any contest of election of an elector or electors, shall make out and certify, under the seal of the court, the ascertainment of the vote of the State for electors, and also certify the names of the persons chosen as electors, and cause said ascertainment and certificate, together with all the papers and certificates filed in the case, to be delivered to the Governor on or before the first day of January next succeeding the day of the election at which electors were chosen.

CHAPTER 329. VOLUME 16.

AN ACT to Secure Free Elections.

Intimidation at
elections by per-
sons or corpora-
tions prohibited.

SECTION 1. That if any person or corporation existing or doing business in this State shall hinder, control, coerce or intimidate any qualified elector of this State from or in the exercise of his right to vote at any general, special or municipal election held under the laws of this State, by means of bribery, or by threats of depriving such elector of employment or occupation, absolutely or contingently, directly or indirectly, every such person or corporation so offending shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State of Delaware a fine of not less than five hundred nor more than two thousand dollars, or be imprisoned (if a natural person) not more than one year, or both, in the discretion of the court. And every elector so aggrieved may also in an action of debt brought for that purpose sue for and recover from the person or corporation so offending as aforesaid the sum of five hundred dollars.

Penalty.

Action of debt.

Extent of
liability of
corporations.

SECTION 2. That in all trials under the provisions of the foregoing section the act or acts of any officer of a corporation, so far as they affect or concern any employé or servant of such corporation, shall be taken and held to be the act or acts of the corporation, whether general or special authority as to such act or acts from the corporation to such officer be shown or not. But nothing herein contained shall be construed to relieve any officer of a corporation from individual liability under the provisions of this act.

CHAPTER 8. REVISED CODE.

Of the Levy Court.

* * * * *

SECTION 2. The Commissioners in each county (except New Castle and Kent Counties) shall be elected by ballot at the general election in such county by the citizens thereof having right to vote for representatives; and they shall respectively hold their office for four years, commencing on the first day of February next after their election; and if a vacancy occur before the general election next preceding the expiration of such term, the Governor shall appoint a suitable person, residing in the hundred where the vacancy happened, to supply it. The appointment thus made shall continue until the first day of February next after the next general election, when the voters of said county, qualified as aforesaid, if the regular term does not expire by the first day of February following, shall elect a Commissioner for the residue thereof. If at any election for Levy Court Commissioners two or more persons shall have an equal, and at the same time the highest number of votes for Levy Court Commissioner of the same hundred, the Governor shall appoint a suitable person, residing in the hundred where a vacancy is thus occasioned, to supply said vacancy. The appointment thus made shall continue until the first day of February next after the next general election.

How elected.

Term of Levy Court Commissioner.

Amended, Chapter 314, Volume 16.

Vacancies. How supplied.

Amended, Section 1, Chapter 173, Volume 11.

Amended, Chapter 314, Volume 16.

* * * * *

CHAPTER 26. VOLUME 19.

AN ACT in Relation to the Levy Court of New Castle County.

* * * * * * * * * * *

New Castle
county divided
into five districts

Boundaries and
divisions of
districts.

SECTION 3. That the county of New Castle shall, for the purposes of this act, be and the same is hereby divided into five districts, to wit: One shall be composed of the hundreds of Brandywine, Christiana and Mill Creek, and shall be known as the First District; another shall be composed of all that portion of the city of Wilmington lying north of Sixth street, and shall be known as the Second District; another shall be composed of all that part of the city of Wilmington lying south of Sixth street, and shall be known as the Third District; another shall be composed of the hundreds of Red Lion, New Castle, Pencader and White Clay Creek, and shall be known as the Fourth District; the remaining district shall be composed of the hundreds of St. Georges, Appoquinimink and Blackbird, and shall be known as the Fifth District.

Election of
Levy Court
Commissioners.

SECTION 4. That at the general election to be held in the year 1892, and at the general election to be held in every fourth year thereafter, there shall be elected from among the resident freeholders of each of said districts, by the qualified voters thereof, one person to be a levy court commissioner of New Castle County, to hold office for the term of four years, commencing on the first Tuesday in the month of January next following such election. * * *

Contested
elections.

Should any two or more persons voted for as levy court commissioners of any district receive an equal and the highest number of votes cast at such election, the board of canvass, shall certify the fact to the Governor, who shall forthwith select one of said persons to be the levy court commissioner from said district, * *

Election and
qualification of
Receiver of
Taxes and
County
Treasurer.

SECTION 6. * * * * That at the general election in the year A. D. 1892, and the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle County qualified to vote for members of the General Assembly, a person being a resident freeholder as aforesaid, to fill

the said office of Receiver of Taxes and County Treasurer. The person so elected, as aforesaid, shall hold office for the term of four Term of office. years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. * *

SECTION 16. * * * That at the general election in the year Election of A. D. 1892, and at the general election in each and every fourth Comptroller. year thereafter, there shall be voted for and elected by the voters of New Castle County, qualified to vote for members of the General Assembly, a person, being a resident freeholder as aforesaid, to fill the office of County Comptroller. The person so elected as afore- Term of office. said shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. * * * * *

CHAPTER 22, VOLUME 21.

AN ACT Reorganizing the Levy Court of Kent County and Defining Its Powers and Duties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. * * * * *

Levy court,
how composed.

Districts.

SECTION 2. That from and after the said first Monday in June, 1898, the Levy Court of Kent county shall be composed of ten members, one of whom shall be chosen from each of the ten Representative districts into which Kent county is divided by the Constitution of this State, in the manner hereinafter provided.

SECTION 3. * * * * *

Election.

Term.

Qualifications,
Districts.

Term.

Election.

Term.

District:

Term.

SECTION 4. That at the general election to be held in the year A. D. 1898, and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders from each of the representative districts to wit: Numbers two, three, four, eight and ten by the qualified voters thereof, one person to be Levy Court Commissioner of Kent County. The persons elected at the said general election in the year A. D. 1898, shall hold their respective offices until the first Tuesday in February, A. D. 1903, and until their successors are duly elected and qualified. And at the general election to be held in the year A. D. 1900 and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders in each of the following representative districts, to wit: Numbers one, five, six, seven and nine by the qualified voters thereof, one person to be a Levy Court Commissioner of Kent County. The persons elected at the said general election in the year A. D. 1900 shall hold their respective offices until the first Tuesday in February A. D. 1905 and until their successors are duly elected and qualified.

SECTION 5. * * * * *

In case of death, resignation or removal from the district of any

Commissioner elected or appointed under the provisions of this act ^{Vacancies.}
 it shall be the duty of the Governor to appoint some suitable person to fill such unexpired term, having the qualifications hereinbefore required in that behalf. * * * *

Should any two or more persons voted for as Levy Court Commissioners of any district receive an equal and highest number of ^{Tie vote.} votes cast at any election the Board of Canvass shall certify the fact to the Governor, who shall forthwith select one of said persons ^{Appointment.} to be Levy Court Commissioner from said district, who shall hold the said office for two years from the first Tuesday in February then next, and at the general election then next to be held in said county a successor shall be elected in said district for the unexpired term of two years. * * * ^{Election of successor.}

Approved May 19, A. D. 1898.

CHAPTER 27. VOLUME 19.

Of the Election of County Treasurer.

* * * * *

Election of
County
Treasurer.

SECTION 5. At the general election to be held in Kent County in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof, having a right to vote for representatives, shall elect by ballot some person resident in said county, to be County Treasurer, who shall hold his office for the term of two years commencing on the Thursday next following the first Tuesday in February next succeeding said general election.

Term of
office.

CHAPTER 28. VOLUME 19.

Of the Election of County Treasurer.

* * * * *

Election of
County
Treasurer.

SECTION 5. At the general election to be held in Sussex County in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof, having a right to vote for representatives, shall elect by ballot some person resident in said county to be County Treasurer, who shall hold his office for the term of two years, commencing on the Thursday next following the first Tuesday in February next succeeding said general election.

Term of
office.

* * * * *

CHAPTER 31. VOLUME 17.*

AN ACT in Relation to the Election of Road Commissioners in New Castle County.

SECTION 1. The qualified voters of the several hundreds in New Castle county shall, biennially, at the general election held on the Tuesday next after the first Monday in November elect the Road Commissioners for said hundreds according to the rotation now established. All of said Commissioners whose terms of office would otherwise have expired before the time of holding the general election next after the passage of this act shall continue to hold office until the time of holding the same.

Election of road commissioners.

Term of present commissioners.

SECTION 2. Immediately upon closing the election aforesaid in the several hundreds and ascertaining the state of the vote the Inspector and Judges of the election in said hundred, unless said hundred is divided into two or more election districts, shall make and sign certificates of the person or persons elected Road Commissioner or Commissioners, as the case may be, and shall cause the same to be transmitted without delay, to wit: One to each of the Road Commissioners elected and one to the Clerk of the Peace of the county, to be filed in his office. Said certificates shall be of the following form, viz.:

Certificates.

To whom transmitted.

NEW CASTLE COUNTY, SS.

At the general election held in hundred on the Tuesday next after the first Monday in the year of our Lord one thousand and eight hundred, was duly elected road commissioner for said hundred.

Form.

In testimony whereof we, the judges of said election for said hundred, have hereunto set out hands the day and year aforesaid.

SECTION 3. If the said hundred in which said election is held is divided into two or more election districts, the inspector and judges in each of said election districts shall make and sign a certificate of the number of votes given for each person voted for as

Certificates when hundred is divided.

* As to Brandywine Hundred, See Chapter 50, Volume XX, Laws of Delaware.

Meeting	road commissioner. The inspectors and judges of each of the election districts of said hundred shall assemble on the day next succeeding said election, at the same time and in the same places of voting as now by law required for the meeting of presiding officers and judges of the election heretofore held on the first Tuesday in October, and ascertain the aggregate number of votes given in said election districts for each person voted for for road commissioner, and the person or persons, according as there may be one or more elected, having the highest number of votes for road commissioner or commissioners, shall be declared duly elected road commissioner or road commissioners; and the said inspectors and judges of said election districts in said hundred shall make, sign and transmit certificates of said election, as provided in Section 2 of this act. If two candidates for said office of Road Commissioner or Commissioners shall have the highest and an equal number of votes, a casting vote shall be given by the presiding officer of said election, or, in case said hundred is divided into two or more election districts, by the presiding officer of the election district of said hundred, as directed by the several acts of the General Assembly dividing the several hundreds into two or more election districts, which casting vote so given shall elect the candidate in whose favor it is given.
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